

Closed Caption Log, Council Meeting, 02/16/06

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HARRIS GOOD MORNING, I'M AUSTIN MAYOR WILL WINN, OUR SCHEDULED DEACON THIS MORNING WAS DETAINED, SO I WOULD LIKE TO CALL ON OUR COLLEAGUE MAYOR PRO TEM DANNY THOMAS TO LEAD US IN THE INVOCATION, PLEASE RISE.

LET US BOW OUR HEAD IN PRAYER. MOST GRACIOUS FATHER IN HEAVEN AS WHERE HE COME TODAY, WE COME TO YOU, LORD, AS HUMBLE AS WE KNOW HOW. FIRST OF ALL WE ASK THAT YOUR SPIRIT STAY IN THIS COUNCIL CHAMBER TODAY, HELP THE MAYOR, COUNCILMEMBER LEFFINGWELL, COUNCILMEMBER KIM, COUNCILMEMBER DUNKERLY AND COUNCILMEMBER MCCracken AND I MAKE THE RIGHT DECISIONS FOR THE PEOPLE OF THIS GREAT CITY. GOD, WE THANK YOU FOR OUR CITY ATTORNEY, YOU ON CITY MANAGER. WE ASK YOU TO CONTINUE TO MAKE THEM DO WHAT WE NEED TO DO. TO HELP US GUIDE US TO THE RIGHT IN SERVING THE CITIZENS OF GREAT CITY OF AUSTIN. FATHER, ABOVE ALL OUR STAFF, WE ASK YOU TO TOUCH EACH FAMILY OF OUR STAFF THAT HAVE GIVEN US INFORMATION EVERY DAY, THAT WE BE ABLE TO MAKE THE RIGHT DECISIONS THAT WOULD BE THE BETTERMENT FOR EVERYBODY IN THIS CITY. LORD, WE ASK FOR A SPECIAL PRAYER TODAY THAT WE ALL COME TOGETHER AS ONE, AS A FAMILY AS WE ALL SAY, LET US LOVE EACH OTHER AND UNDERSTAND AND RESPECT EACH OTHER'S OPINION. BUT LET US DO THE RIGHT THING. THIS DAY AND THIS DAY FORWARD. FATHER, WE ASK THIS IN THE NAME OF JESUS,

AMEN.

THANK YOU, MAYOR PRO TEM. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, FEBRUARY 16th, 2006. WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL --

MAYOR, IF YOU DON'T MIND, IN MY PRAYER, COUNCILMEMBER ALVAREZ. [LAUGHTER] DIDN'T FORGET YOU, BROTHER.

OKAY. [LAUGHTER]

Mayor Wynn: AGAIN WE ARE IN THE CITY COUNCIL CHAMBERS, 301 WEST SECOND STREET, AUSTIN, TEXAS, APPROXIMATELY 10:20 A.M. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. FOR ITEM NO. 31, WE SHOULD STRIKE THE PHRASE AN ORDINANCE WAIVING THE SECURITY REQUIREMENTS OF SECTION 14-11-103 OF THE CITY CODE AND PERMANENT B REQUIREMENTS OF ... AND WE NEED TO CORRECT THE SPELLING OF CRANE AND WE WILL INSERT THE PHRASE USE OF AND SO THIS -- THIS ITEM FROM COUNCIL THAT IS ALSO CO-SPONSORED BY COUNCILMEMBER LEFFINGWELL, ALONG WITH COUNCILMEMBER MCCRACKEN AND MYSELF WILL NOW READ: APPROVE THE WAIVER OF CERTAIN PERMIT FEES UNDER SECTION 141-1135 OF THE CITY CODE FOR TEMPORARY USE OF RIGHT-OF-WAY ON NAVASOTA ADJACENT TO THE STATE CEMETERY FOR AUSTIN CRANE SERVICE FOR INSTALLATION OF A MEMORIAL MONUMENT HONORING U.S. REPRESENTATIVE JAKE PICKLE. ON ITEM Z-7, A PUBLIC HEARING ZONING CASE, WE NEED TO NOTE THAT THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT PLANNED UNIT DEVELOPMENT OR P.U.D. DISTRICT ZONING. ON ZONING CASE Z-12 WE SHOULD NOTE THAT THE PLANNING COMMISSION RECOMMENDATION, THAT THE CASE IS BEING FORWARDED TO THE COUNCIL WITHOUT A RECOMMENDATION FROM THE PLANNING COMMISSION. ON ITEM NO. 45 WE SHOULD NOTE THAT THE RECOMMENDATION IS ALSO MADE BY THE PLANNING COMMISSION. OUR TIME CERTAIN TODAY, AT NOON WE WILL BREAK FOR OUR

GENERAL CITIZENS COMMUNICATION, AT 2:00, WE HAVE A SINGLE BRIEFING, ITEM NO. 47, WHICH WILL BE THE CONTINUATION -- WHICH I BELIEVE WILL BE THE CONTINUATION OF OUR -- OF OUR BOND PRESENTATION AND ANALYSIS. AT 4:00 WE BREAK FOR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW UP TODAY AS -- AS AS -- WELL, OUR SCRIPT ISN'T -- LET'S SEE. THOSE SHOW UP TOGETHER AS [INDISCERNIBLE] ALSO PUBLIC HEARING ZONING CASES Z-1 THROUGH Z-13. WE WILL NOTE NOW THAT STAFF WILL BE REQUESTING A POSTPONEMENT OF ITEM NO. 40, THE HARRIS BRANCH P.U.D. AMENDMENT, NUMBER 13 AND ZONING CASES Z-4 THE MARTINS ZONING, Z-5 AMJRH, Z-6 ROBERTSON HILL AND Z 12100 PARKER LANE. THIS DOESN'T NOTE THE DATE WE ARE ASKING THE POSTPONEMENT FOR, BUT WE WILL HEAR THAT AFTER 5:00 P.M. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 PUBLIC HEARINGS, POSSIBLE ACTION. THOSE ARE POSTED AS ITEMS 43, 44, 45. 43 OF COURSE WILL BE THE CONTINUATION OF OUR PUBLIC HEARING ON THE ISSUE GENERALLY KNOWN AS McMANSIONS. WE CURRENTLY HAVE JUST A COUPLE OF ITEMS TO BE PULLED OFF THE CONSENT AGENDA. ITEM NO. 26 WE WILL TAKE UP AFTER WE DISCUSS THAT IN CLOSED SESSION. THAT'S RELATED TO THE CITY MANAGER'S EVALUATION. AND THEN ITEM NO. 28, WHICH IS AN ITEM FROM COUNCIL, I BELIEVE THERE'S GOING TO BE A -- GOING TO BE A BRIEF DISCUSSION ABOUT THE PROCEDURE FOR THAT POTENTIAL AMENDMENT TO THE HEALTH CODE. SO, COUNCIL, I WILL SHOW ITEMS 26 AND 28 BEING OFF THE CONSENT AGENDA. ANY OTHER ITEMS TO BE PULLED? COUNCILMEMBER ALVAREZ?

MAYOR, ON ITEM 27, I BELIEVE THERE'S A -- THERE'S A MORE UPDATED VERSION OF THE RESOLUTION THAT'S -- THAT WAS DISTRIBUTED. SO IF WE COULD JUST PULL THAT DOWN UNTIL -- UNTIL WE COPY THE -- THE CORRECT RESOLUTION AND GET THAT DISTRIBUTED. THANK YOU.

Mayor Wynn: THANK YOU. MS. BROWN, SORRY, MS. DITRY, ITEM 27 WILL ALSO BE REMOVED FROM THE CONSENT AGENDA. FURTHER ITEMS TO BE PULLED, COUNCIL? IF NOT, THEN I WILL READ THE CONSENT AGENDA NUMERICALLY. THEN WE WILL TAKE UP A COUPLE OF SPEAKERS. THIS

MORNING'S CONSENT AGENDA WILL BE ITEMS NUMBER 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, -- NOTING ON ITEM NO. 25, TECHNICALLY NO BOARD AND COMMISSION APPOINTMENTS, WE WILL EITHER NOT SHOW THAT AS BEING APPROVED OR JUST NOTE THAT THERE WILL BE NO BOARD AND COMMISSION APPOINTMENTS ON ITEM 25 -- ITEM 29, 30, 31 PER CHANGES AND CORRECTION, 32, 33, AND 34. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ. MR. SMITH?

THE ITEM NO. 11, WHICH RELATES TO AN ORDINANCE TO EXTEND THE LETTER OF CREDIT, I'M TOLD THAT THAT ORDINANCE HAS NOT FOUND ITS WAY INTO BACKUP YET. SO -- SO MY ADVICE WOULD BE THAT IT NOT GO ON CONSENT AND BE PULLED UNTIL THAT -- UNTIL THAT FINAL DRAFT OF THE ORDINANCE CAN GET HERE.

Mayor Wynn: THANK YOU, COUNCILMEMBER KIM AND DUNKERLY, IF YOU WILL SHOW THAT'S AS A FRIENDLY AMENDMENT, WE WILL SHOW THAT AS NOT BEING ON THE CONSENT AGENDA.

Alvarez: MAYOR? ON -- ON THE 27 THE UPDATED RESOLUTION, APPARENTLY BEING DISTRIBUTED AND ADDED THE LAST FEW WORDS AFTER THE COMMA, THAT -- THAT REQUESTS A REPORT BACK WITHIN 90 DAYS. SO THAT'S THE ONLY DIFFERENCE BETWEEN THE TWO VERSIONS AND SO I WOULD ASK FOR A FRIENDLY AMENDMENT THAT THAT BE ADDED TO THE CONSENT AGENDA.

Mayor Wynn: COUNCILMEMBERS KIM AND DUNKERLY, ADDING 27 BACK ON THE CONSENT AGENDA, THESE NEW RESOLUTION SIMPLY NOTING THAT IT INCLUDES ASKING FOR A REPORT BACK TO CITY COUNCIL IN 90 DAYS. OKAY. SO MS. GENTRY, ITEM 27 IS BACK ON THE CONSENT AGENDA. AGAIN ONLY ITEMS 11, 26 AND 28 ARE NOT PART OF THIS CONSENT AGENDA. FURTHER COMMENTS? SKID COUNCILMEMBER MCCracken?

McCracken: MORE GOOD NEWS FROM AUSTIN ENERGY. STAR GYMNASTICS IS GOING SOLAR, JOINING A LOT OF OUR

HOMEOWNERS AND BUSINESSES WHO HAVE GONE SOLAR THROUGH THE SOLAR REBATE PROGRAM AT AUSTIN ENERGY, WHICH HAS BEEN A HUGE SUCCESS, REFLECTS THE UTILITY'S NATIONAL LEADING COMMITMENT TO CLEAN ENERGY. WE ALSO HAVE 12 MORE DAYS LEFT IN THE GREEN CHOICE DRAWING BECAUSE GREEN CHOICE IS NOW CHEAPER THAN REGULAR ELECTRICITY. SO YOU CAN GO TO CHOOSE SHELTON GREEN SAVE GREEN -- CHOOSE CLEAN GREEN. CONGRATULATIONS TO AUSTIN ENERGY, STAR GYMNASTICS.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A COUPLE OF CITIZENS WHO HAVE SIGNED UP WISHING TO SPEAK, INCLUDING SOME FOLKS WHO SIGNED UP WISHING TO SPEAK TECHNICALLY ON THE MINUTES BECAUSE MY INSTINCT IS THEY PERHAPS HAD COMMENTS ABOUT LAST WEEK'S COUNCIL MEETING. WITHOUT OBJECTION, COUNCIL, I WOULD LIKE TO CALL UP MARY JANE HOLLAND. WELCOME, MS. HOLLAND. YOU WILL HAVE THREE MINUTES. FOLLOWED BY IF HE WANTS TO SPEAK GARY MOBAY. WELCOME, THREE MINUTES.

THANK YOU. I'M A LONG-TIME AUSTIN RESIDENT FOR THE PAST 26 YEARS. I LOVE AUSTIN AS MOST OF YOU ALL DO. I ALSO LOVE MY NEIGHBORHOOD AND MY TREES. I'M HERE TODAY TO TALK ABOUT THE ISSUE REGARDING THE TREE TRIMMING AND TREE CUTTING THAT IS GOING ON IN OUR NEIGHBORHOOD AS WE SPEAK. THE HYDE PARK, EASTWOOD, AN COCK ASSOCIATION HAS CREATED A TASK FORCE THAT MET WITH THE MAYOR'S OFFICE HERE AT AUSTIN ENERGY AND HAD AN OPPORTUNITY TO CREATE A MORATORIUM ON THE CUTTING AND TREE TRIMMING IN THEIR NEIGHBORHOODS. AS AN AUSTIN CITIZEN, I WOULD LIKE TO BE GRANTED THAT SAME OPPORTUNITY. WE MET WITH THE TREE CUTTING PEOPLE ON FEBRUARY 4th OF THIS YEAR, AND HAD MADE AN ATTEMPT TO MEET WITH OUR NEIGHBORHOOD DUE TO AN UNTIMELY DEATH IN HER FAMILY AND IN MAYBE WE HAVE NOT HAD AN OPPORTUNITY - - AND IN MINE WE HAVE NOT HAD AN OPPORTUNITY TO MEET AS A NEIGHBORHOOD ASSOCIATION. THE CHAIN SAWS ARE BUZZING AS WE SPEAK. AND I WOULD LIKE AN OPPORTUNITY TO HAVE A LITTLE BIT MORE TIME AS A CITIZEN TO BE GRANTED AN OPPORTUNITY TO -- TO -- TO GET THE

INFORMATION OUT TO OUR NEIGHBORHOOD. I'VE TALKED TO SEVERAL NEIGHBORS WHO ARE UNAWARE OF THEIR -- OF THEIR RIGHTS AS CITIZENS TO EITHER ASK FOR SOME FURTHER ASSESSMENT OF THE TREE TRIMMING POLICIES. SO WHAT I'M ASKING AT THIS POINT IS TO -- IS TO GIVE US AN OPPORTUNITY TO -- TO INFORM AND EDUCATE OUR NEIGHBORS. THAT THEY HAVE A RIGHT TO DISAGREE WITH THE ASSESSMENTS AND ALSO GIVE OUR NEIGHBORHOOD THE SAME OPPORTUNITY TO BE HELPED WITH THE GUIDELINES OF THE TASK FORCE I BELIEVE FROM THE CITY MANAGER'S OFFICE WILL BE CREATING SOME RECOMMENDATIONS FOR SOME NEW PROCEDURES FOR AUSTIN ENERGY'S TREE TRIMMING POLICIES.

Mayor Wynn: WHICH NEIGHBORHOOD DO YOU LIVE IN?

NORTH TOWN, A PART OF THE NORTH SHOAL CREEK NEIGHBORHOOD ASSOCIATION.

OKAY.

Mayor Wnn: CITY MANAGER, IS IT POSSIBLE -- WE HAVE A COUPLE OF AUSTIN ENERGY OFFICIALS IN THE ROOM. PERHAPS WE COULD GET MS. HOLLAND'S CONTACT INFORMATION AND FIGURE OUT THAT PROCESS.

YES, THEY HAVE IT. I HAVE BEEN TOLD THAT THE MORATORIUM WOULD NOT BE EXTENDED IN THE TREE CUTTING AND TREE TRIMMING WOULD CONTINUE AS IT IS AT THIS MOMENT IN TIME. WHICH IS WHY I'M HERE THIS MORNING.

OUR ASSISTANT VICE-PRESIDENT HERE IS SHAKING HIS HEAD NO. STANDING RIGHT BEHIND YOU. HE'S GOING TO BE WORKING WITH YOU TO SEE WHAT WE CAN DO TO RESOLVE THE ISSUE FOR YOU. WE TRY TO WORK WITH EVERYONE EITHER INDIVIDUALLY OR IN THE NEIGHBORHOOD TO COME TO AN AGREEMENT ON HOW WE ADJUST WITH TREE TRIMMING. WE HAVE TO BALANCE TWO VERY IMPORTANT INTERESTS HERE. KEEP THE ELECTRICITY ON IN A WIND STORM AND TO PROTECT TREES. AND ROGER IS STANDING RIGHT BEHIND YOU, STANDING READY TO ASSIST.

WOULD THERE BE A MORATORIUM NOW AS WE SPEAK IN THE NORTH TOWN NEIGHBORHOOD?

Futrell: WE ARE NOT TALKING NECESSARILY ABOUT A MORATORIUM, ROGER, WHAT WE ARE TALKING ABOUT IS WHAT WE CAN DO TO ASSIST YOU IN ADJUSTING THE TREE TRIMMING IN YOUR AREA TO HELP WITH YOUR CONCERNS AND IF YOU -- ROGER IS STANDING RIGHT BEHIND YOU TO WORK WITH YOU ON THAT ISSUE.

I GUESS MY LAST QUESTION WOULD BE, WOULD THERE BE ANY OPPORTUNITY FOR OUR NEIGHBORHOOD TO HAVE THE TIME NECESSARY TO CREATE A TASK FORCE TO EXTEND THE MORATORIUM TO OUR NEIGHBORHOOD? OR IS OUR NEIGHBORHOOD -- WHY WOULD OUR NEIGHBORHOOD BE EXCLUDE TRD THAT -- EXCLUDED FROM THAT OPPORTUNITY.

Mayor Wynn: IF YOU COULD MEET WITH -- OR ROGER COULD SIMPLY ADDRESS THIS AND REPORT BACK TO US AS TO THE RESULTS OF THAT MEETING, THEN THIS COUNCIL, VERY WELL MAY TAKE ACTION.

MAYOR?

McCracken: I WILL ACTUALLY LIKE TO HEAR A QUICK UPDATE FROM ROGER DUNCAN.

Mayor Wynn: OKAY. WELCOME.

MAYOR AND COUNCIL, ACTUALLY WE HAVE MADE THE DECISION TO SUSPEND TREE TRIMMING ACTIVITIES IN ALL NEIGHBORHOODS WHILE THE TASK FORCE IS WORKING ON THIS PROBLEM. WE UNDERSTAND THERE'S A 60 DAY LIMIT FOR THE TASK FORCE TO REPORT BACK AND ALL NEIGHBORHOODS ARE INCLUDED IN THIS MORATORIUM WHILE WE WORK WITH THE TASK FORCE.

Futrell: THEN IF YOU WILL WORK WITH --

WE WILL WORK SPECIFICALLY WITH THIS NEIGHBORHOOD.

THANK YOU VERY MUCH.

McCracken: JUST TO CLARIFY, I KNOW MESS MS. HOLLAND, IN OTHER WORDS NORTH SHOAL CREEK WILL ALSO BE PART OF THE MORATORIUM.

THAT'S CORRECT.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. DUNCAN. MR. GARY MALBRAY ALSO SIGNED UP PERHAPS IN THE SAME ISSUE, NOTING IF WE HAD QUESTIONS. THANK YOU ALL FOR -- FOR BEING HERE. SO COUNCIL I BELIEVE THAT'S ALL OF OUR CITIZENS WHO SIGNED UP ON CONSENT ITEMS. LET ME SCAN MY -- SCAN THIS QUICKLY. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCILMEMBER KIM, WOULD YOU LIKE TO TAKE UP ITEM NO. 28?

THANK YOU, MAYOR. THIS IS A -- A PROPOSED ORDINANCE AMENDING THE CITY CODE FOR FOOD HANDLERS AND TO PERMIT DOGS IN OUTDOOR DINING ESTABLISHMENT. IT CAME ABOUT THROUGH CITIZEN OWNERS REQUEST AND RESTAURANT OWNERS REQUEST. RESTAURANT OWNERS HAVE BEEN CIRCULATING PETITION. I HAVE A COPY HERE WHICH I PROVIDED SEVERAL MEMBERS WITH OVER 800 SIGNATURES TO ALLOW THEM TO CONTINUE THIS PRACTICE. THIS HAPPENED BECAUSE THEY HAD A LONG STANDING TRADITION OF ALLOWING DOGS ON THEIR OUTDOOR PAT I DON'T SAY. I GUESS A FOOD AND SAFETY CODE WAS INTERPRETED DIFFERENTLY RECENTLY TO PROHIBIT DOGS ON OUTDOOR PATIOS. AND THIS -- THIS IS NOT A REALLY CHANGE BUT A CLARIFICATION OF THE INTERPRETATION OF THE FOOD SAFETY CODE. IT IS INTERPRETED IN OTHER CITIES SUCH AS SAN ANTONIO, EL PASO, CORPUS CHRISTI AND FORT WORTH TO ALLOW DOGS ON OUTDOOR PATIOS. THIS WOULD BE IN OURS TO PROVIDE ADDITIONAL LANGUAGE TO CLARIFY AN INTERPRETATION OF THAT TO

ALLOW THEM TO CONTINUE THIS PRACTICE, WHICH HAS BEEN IN PLACE AND RESPECTED BY THEIR LOYAL CUSTOMERS. THIS ORDINANCE WOULD ALLOW A FOOD ESTABLISHMENT TO PERMIT A CUSTOMER TO BE ACCOMPANIED BY A DOG IN AN OUTDOOR AREA IF THE CUSTOMER AND THE DOG ACT THE OUTDOOR DINING AREA DIRECTLY FROM THE EXTERIOR OF THE FOOD SERVICE ESTABLISHMENT, THE DOG DOES NOT ENTER THE INTERIOR OF THE FOOD SERVICE ESTABLISHMENT, THE CUSTOMER KEEPS THE DOG ON A LEASH AND CONTROLS AND DOESN'T ALLOW THE DOG ON A SEAT, TABLE, COUNTER TOP OR SIMILAR SURFACE. IN THE OUTDOOR DINING AREA ... DOES NOT PREPARE FOOD OR PERMIT OPEN FOOD EXCEPT FOR FOOD BEING SERVED TO A CUSTOMER. I UNDERSTAND THAT WE HAVE CITIZENS WHO MAY BE HERE TODAY IN -- WHO WANT TO DISCUSS THIS OR TESTIFY ON THIS ITEM AND IF THEY WOULD LIKE TO, THEN JUST LET THE CLERK KNOW. BUT I ALSO KNOW THAT WE HAVE BEEN GETTING A LOT OF FEEDBACK ON THIS. SO THERE'S BEEN A REQUEST TO SET A PUBLIC HEARING TO ALLOW CITIZENS TO EXPRESS THEIR -- THEIR OPINION ON THIS AS -- AS IS THE AUSTIN WAY. SO I WOULD LIKE TO ALLOW FOR US TO SET A HEARING ON MARCH 2nd, WHICH IS OUR NEXT COUNCIL MEETING. SO -- SO GET FEEDBACK ON THIS PROPOSED ORDINANCE. I BELIEVE MY -- MY CO-SPONSORS MAY HAVE SOME OTHER COMMENTS THAT THEY WANT TO ADD.

COUNCILMEMBER LEFFINGWELL?

Leffingwell: MAYOR, I WOULD JUST LIKE TO REASSURE EVERYONE, INCLUDING THE DAILY PAPER, THAT WE ARE NOT PUTTING OTHER ITEMS ASIDE TO DEAL WITH THIS RELATIVELY SMALL PROBLEM. AND ABSOLUTELY EVERY -- BUSINESS IS GOING ON AS USUAL, NORMAL BUSINESS, AND WE ARE NOT SACRIFICING OTHER THINGS TO DEAL WITH THIS RELATIVELY SMALL PROBLEM AND I WOULD JUST ADD IT'S NOT OFTEN THAT WE GET A CHANCE TO FIX SMALL PROBLEMS AND WE LIKE TO THINK THAT WE HAVE -- WE HAVE TIME TO DEAL WITH SMALL PROBLEMS AS WELL AS LARGE ONES. I WAS PROUD TO BE A CO-SPONSOR OF THIS ITEM.

Mayor Wynn: THANK YOU, COUNCILMEMBER.

COUNCILMEMBER MCCRACKEN?

McCracken: AND IN FACT WE HAVE DISCOVERED A DIVISION WITHIN THE MCCRACKEN FAMILY ITSELF ON THIS VERY ISSUE. MINDY MYSELF, OUR DOGS BARNEY AND ELIZA ARE STRONGLY IN FAVOR. OUR TWO-YEAR-OLD BOY FORD IS ADAMANTLY OPPOSED TO THIS ITEM. THAT'S WHAT IT IS. IT'S AN ISSUE OF PERSONAL FREEDOM. SO IF A SMALL BUSINESS WANTS TO HAVE HIS -- NOT FORCED TO, BUT IF THEY WANT TO THE GOVERNMENT IS NOT GOING TO INTERFERE IF THEIR FREEDOM TO MAKE THAT DECISION FOR THEMSELVES. THIS IS SOMETHING THAT MY HOMETOWN DOES AND A LOT OF OTHER COMMUNITIES IN TEXAS. AND TO ME IT'S -- IT'S AN ISSUE OF GETTING THE GOVERNMENT OFF OF THE RESTAURANT AND SMALL BUSINESS OWNER'S BACK, LETTING THEM DO BUSINESS THE WAY THEY WANT TO. I THINK IT'S A GOOD THING.

Mayor Wynn: THANK YOU, COUNCILMEMBER. TECHNICALLY WE HAVE THREE FOLKS WHO SIGNED UP NOT WISHING TO SPEAK BUT HERE IF WE HAVE QUESTIONS. CHET BUTLER, EUGENE SULERONO, CHARLES YESCO, NOT WISHING TO SPEAK BUT IN FAVOR OF THIS ITEM. MR. SMITH, COUNCILMEMBER KIM'S SUGGESTION OR I GUESS DESIRE WOULD BE TO -- I THINK IF I HEARD HER CORRECTLY, IN LIEU OF APPROVING THE ORDINANCE, THE AMENDED ORDINANCE TODAY, THE PREFERENCE WOULD BE TO ACTUALLY SET A PUBLIC HEARING FOR NEXT COUNCIL MEETING. IS OUR POSTING BROAD ENOUGH WHERE WE CAN IN LIEU OF APPROVING SOMETHING WE SIMPLY CAN IN A SENSE POSTPONE FOR ONE WEEK WHILE SETTING IT FOR A TECHNICALLY WHILE SETTING IT FOR A PUBLIC HEARING?

YES, IT IS MAYOR.

Mayor Wynn: OKAY. SO COUNCILMEMBER ALVAREZ?

Alvarez: YES, MAYOR. I JUST WAS WONDERING IF -- I GUESS THIS IS A TWO WEEK DELAY. BUT IF THIS WOULD ALLOW ENOUGH TIME FOR IT TO GO BEFORE THE BOARD -- THE ANIMAL ADVISORY COMMISSION OR -- BECAUSE WE ARE TRYING TO GET INPUT OR HEAR DIFFERENT VIEWS ON THIS ISSUE. WHICH IS RELATIVELY NEW IN TERMS OF, YOU KNOW,

ON THE RADAR SCREEN PUBLICLY. BUT -- BUT I MEAN I'M GLAD THAT WE ARE CONSIDERING THE PUBLIC HEARING, BUT I WAS WONDERING IF WE COULD AT LEAST TRY TO GET - - WONDERING IF WE COULD AT LEAST TRY TO GET SOME INPUT FROM THAT PARTICULAR COMMISSION, FROM THE SPONSORS.

Kim: THE REASON WHY IS BECAUSE IT'S AMENDING THE FOOD, HEALTH AND SAFETY CODE. AS WE DON'T HAVE A HEALTH COMMISSION, IT WOULD -- IT WOULD -- TO DEAL WITH THESE SPECIFIC MATTERS, THAT'S WHY IT WOULD COME TO THE COUNCIL IN A PUBLIC HEARING SETTING. SO ...

Alvarez: AND IT BEING SORT OF A PUBLIC HEALTH AND SAFETY ISSUE, DO WE HAVE A RECOMMENDATION FROM STAFF? THE HEALTH DEPARTMENT ON THIS PARTICULAR PROPOSAL?

Kim: WE HAVE MEMBERS OF THE HEALTH DEPARTMENT HERE.

Futrell: CAVED DO YOU REMEMBER, OUR -- DAVID LURIE.

WELCOME, MR. LURIE.

THANK YOU, MAYOR, GOOD MORNING.

OF COURSE IDEALLY IN TERMS OF PUBLIC HEALTH, WE WOULD LIKE TO HAVE A TOTALLY RISK-FREE WORLD BUT WE ALL KNOW THAT'S NOT VERY PRACTICAL. WE NEED TO LOOK AT THESE ISSUES IN TERMS OF BALANCING ALL OF THE INTERESTS INVOLVED. YES, THERE ARE POTENTIAL RISKS ASSOCIATED WITH ANIMALS TRANSMITTING BACTERIAL RELATED DISEASES IN A FOOD PREPARATION TYPE OF SETTING. THERE ARE, YOU KNOW, ISSUES AROUND FUNGAL. THERE ARE CONCERNS ABOUT ALLERGENS AND SO FORTH. BUT THE FACT OF THE MATTER IS RELATIVELY SPEAKING, THIS IT'S A -- THIS IS A MOST LIKELY LOW RISK SITUATION. AND PARTICULARLY WE HAVE BEEN WORKING WITH THE COUNCILMEMBER'S OFFICE, PARTICULARLY WITH THE CRITERIA THAT HAVE BEEN DEVELOPED IN TERMS OF HOW THIS WOULD -- UNDER WHAT CIRCUMSTANCES THIS WOULD BE ALLOWED. SO THE FACT THAT IT IS NOT IN A FOOD

SERVICE OR FOOD PREPARATION AREA, THE FACT THAT THE ANIMALS ARE NOT ALLOWED ON THE CHAIRS, ON THE TABLE, SO FORTH, AND THAT THEY ARE CONTROLLED BY THE OWNER BY LEASH, WE FEEL THAT IT'S -- WE ARE COMFORTABLE WITH IT, I WILL PUT IT THAT WAY, IN TERMS OF THE PUBLIC HEALTH ASPECT OF THESE RULES. AND I WOULD LIKE TO REINFORCE THE FACT THAT WHEN IT COMES TO -- TO FOOD BORNE ILLNESSES, THE MOST CRITICAL ISSUES RELATIVE TO OUR EXPERIENCE HAVE BEEN HAVING TO DO WITH FOOD HANDLERS, PROPER FOOD PREPARATION, PROPER TEMPERATURE CONTROLS, GOOD HAND WASHING PRACTICES, AND EMPLOYEES WHO ARE ILL, NOT COMING TO WORK AND NOT HANDLING FOOD. SO THOSE ARE THE REAL ISSUES FOR US FROM A PUBLIC HEALTH PERSPECTIVE IN TERMS OF FOOD BORNE ILLNESS. BUT AGAIN YOU CAN KIND OF TRANSLATE THAT TO THIS SITUATION. IF WEIGHT PERSONS ARE OUT ON A PATIO PETTING DOGS OR WHATEVER, THEY NEED TO BE WASHING THEIR HANDS AND MAKING SURE THAT THERE'S NO THAT POTENTIAL -- NOT THAT POTENTIAL FOR TRANSMISSION FROM THE ANIMAL TO THE FOOD. BUT AGAIN WE ARE COMFORTABLE FROM A PUBLIC HEALTH PERSPECTIVE THAT FOLLOWING THESE GUIDELINES THE RISKS ARE REALLY MINIMIZED.

Kim: I WANT TO THANK DAVID LURIE AND HIS STAFF, THEY HAVE BEEN VERY HELPFUL TO US IN PROPOSING LANGUAGE AND GIVING US ALL OF THEIR INPUT IN DRAFTING THIS ORDINANCE. THANK YOU VERY MUCH.

Thomas: MAYOR. MR. LURIE, YOU SAID A LOT OF THINGS THERE A WHILE AGO ABOUT HANDLING -- WHAT THE WAIT PERSON SHOULD DO, ALL OF THAT. WHAT KIND OF -- WHO IS GOING TO ENFORCE THAT. WE DON'T HAVE MAN FOR DO A LOT OF THINGS -- MANPOWER TO DO A LOT OF THINGS, SMOKING ORDINANCE, ET CETERA. WHO IS GOING TO BE ABLE TO -- ARE WE GOING TO HANDLE THE COMPLAINTS?

WELL, MAYOR PRO TEM, IT IS COMPLAINT DRIVEN, THAT'S ACTUALLY BEEN OUR PRACTICE ALL ALONG. SO WE WOULD BE RESPONDING TO SPECIFIC COMPLAINTS OR AS WE HAVE ROUTINE INSPECTIONS OF COURSE OUR INSPECTORS OR SANITARIANS WOULD BE OBSERVING THE SITUATION,

PRIMARILY TO MAKE SURE THAT THERE ARE NOT FOOD PREPARATION OPERATIONS IN THESE OUTDOOR AREAS WHERE DOGS ARE ALLOWED. BUT OTHER THAN THAT, IT WOULD BE STRICTLY ON A COMPLAINT BASIS AND AS FAR AS ADDITIONAL WORKLOAD, I GUESS THAT REMAINS TO BE SEEN AS TO WHETHER OR NOT WE WOULD EXPERIENCE AN INCREASE IN COMPLAINTS. BUT THE OTHER PART OF THIS, AND THIS IS ALSO OUR STANDARD PRACTICE, IS THAT -- THAT WE VERY MUCH RELY ON THE MANAGERS AND OPERATORS OF THESE FOOD ESTABLISHMENTS TO SORT OF SELF CONTROL AND SELF MANAGE THEIR SITUATION. SO AS IS THE CASE AGAIN WITH MOST OF -- ALL OF WHAT WE DO RELATIVE TO FOOD ESTABLISHMENTS, OUR EXPECTATION IS THAT THE MANAGEMENT WILL -- WILL SELF MONITOR HOW THINGS ARE GOING AND ASSURE COMPLIANCE, BUT WE HAVE -- IF WE HAVE COMPLAINTS OR WE OBSERVE VIOLATIONS WE WILL CERTAINLY BE OUT THERE ACTING ON THOSE.

I WOULD BE MORE COMFORTABLE WITHIN THE NEXT WEEK OR TWO, COULD YOU FIND OUT FROM CITIES IN OUR POPULATION, FORT WORTH OR SOMEWHERE ELSE THAT HAS THIS ORDINANCE, WHAT KIND OF COMPLAINTS DO THEY RECEIVE AND HOW THAT PARTICULAR ORDINANCE IS WORDED.

MAYOR PRO TEM, WE CAN CERTAINLY DO MORE RESEARCH ON THAT. THE FEEDBACK THAT WE HAVE BEEN GETTING IS THAT THEY ARE PRETTY MUCH LIKE US, COMPLAINT DRIVEN. SO WE SHOULD BE ABLE TO GET SOME INFORMATION IN TERMS OF WHAT THEIR EXPERIENCE HAS BEEN. WE WILL BE GLAD TO PROVIDE THAT.

Futrell: DAVID, IT'S MY UNDERSTANDING THIS IS ALSO VOLUNTARY, IS IT NOT? THAT RESTAURANT OWNERS WILL DO THIS ON A VOLUNTARY BASIS. IN OTHER WORDS, SOME MAY CHOOSE TO DO IT, SOME MAY CHOOSE NOT TO DO IT.

ABSOLUTELY. THIS -- THIS REMOVES WHAT WAS A PROHIBITION THAT DIDN'T ALLOW ANYONE TO DO IT. BASICALLY SAYS IT'S NOW ALLOWABLE UNDER THE RULES BUT IT'S STILL OPTIONAL. ANY ESTABLISHMENT THAT OF COURSE CHOOSES NOT TO OR PERHAPS HAS SOME

DIFFICULTIES AS A RESULT OF IT, WANTS TO CHANGE THEIR POLICY, THAT'S STRICTLY UP TO THEM IN TERMS OF THEIR BUSINESS PRACTICE.

Kim: LET ME CLARIFY THIS IS NOT INTENDED TO INCREASE THE NUMBER OF VENUES TO ALLOW DOGS ON PATIOS. IT'S REALLY TO ALLOW THOSE THAT HAVE HAD THIS AS A TRADITION TO CONTINUE THIS PRACTICE AS EXPECTED BY THEIR CUSTOMERS. THAT REALLY IS THE INTENT OF THIS ORDINANCE.

Thomas: CAN I ASK THE SPONSORS, YOU SAID A COUPLE -- YOU SAID CITIZENS WERE ASKING FOR THIS. DO WE HAVE A LARGE NUMBER OF CITIZENS THAT CAME -- YOU SAID THAT YOU HAD A PETITION.

Kim: RIGHT. I HAVE A PETITION THAT WAS PROVIDED TO YOUR OFFICE, IT HAS OVER 800 SIGNATURES. IF YOU WANT I CAN PROVIDE THAT TO YOU AGAIN. IT WAS CIRCULATED BY FREDDIE'S PLACE, I HAVE A COPYRIGHT HERE THAT I CAN GIVE TO YOU. AS WELL AS A NUMBER OF E-MAILS, WHEN THE HEALTH WAS ISSUING CITATIONS TO RESTAURANTS, THAT HAPPENED I GUESS IN THE PAST THREE OR FOUR MONTHS THAT STARTED HAPPENING.

Leffingwell: I WILL ASK COUNCILMEMBER KIM, IT'S MY UNDERSTANDING THAT THEY DECIDED TO START ENFORCING THIS PART OF THE HEALTH CODE WAS BASED ON THREE COMPLAINTS BY CITIZENS, NONE OF WHICH RESULTED IN ANY ILLNESS OR ANY INCIDENT DIRECTLY INVOLVING INJURY FROM THE DOGS. JUST THREE COMPLAINTS AND THAT'S -- THAT'S -- THAT WAS -- OF COURSE THE -- THE ORDINANCE WASN'T -- WAS IN PLACE AND YOU FELT OBLIGATED TO ENFORCE IT ON THAT BASIS. IS THAT CORRECT OR --

COUPLE OF THINGS COUNCILMEMBER. THE OTHER ASPECT OF THIS IS FOR THE DOG TO BE UNDER THE CONTROL OF THE OWNER, A LEASH AND SO FORTH. IN MANY RESPECTS THAT MAY BE A BIGGER ISSUE THAN THE POTENTIAL OF FOOD BORNE RELATED DISEASE, THAT IS BITES OR WHAT HAVE YOU. SO THAT'S AN IMPORTANT PART OF THIS. AND IT IS -- IT IS A PART OF THE RULES. WE ARE -- WE ARE

GENERALLY -- OUR PRACTICE HAS NOT CHANGED. WE ARE JUST RESPONDING TO COMPLAINTS AND IN THOSE CASES WHERE WE CONFIRM IT, THEY ARE OUT OF COMPLIANCE ABOUT THE RULES, WE ARE OBLIGATED TO FOLLOW UP ON THAT. ALSO PART OF THE SCORING THAT WE DO FOR RESTAURANTS. I'M NOT SURE IF THAT ANSWERS YOUR QUESTION.

Leffingwell: YOU HAD NO REPORTS OF ANY DIRECT --

THANK YOU FOR CLARIFYING THAT. NO, WE HAVE NOT HAD ANY CONFIRMED REPORTS OF FOOD BORNE ILLNESS ASSOCIATED WITH DOGS, YOU KNOW, TRANSMISSION ASSOCIATED WITH DOGS. AGAIN THE CONFIRMED REPORTS OF FOOD BORNE ILLNESS HAVE BEEN THE OTHER THINGS THAT I WAS CITING IN TERMS OF FOOD HANDLING PRACTICES.

RIGHT. I WOULD RECOMMEND THAT ANY DOG THAT MISBEHAVES ON THE PATIO BE PERMANENTLY BANNED FROM ALL RESTAURANTS. [LAUGHTER]

Kim: I WOULD CONCUR.

Mayor Wynn: WE TRIED THAT WITH COUNCIL MEETINGS, IT DIDN'T WORK.

I HOPE THAT YOU ARE NOT ASKING US TO ENFORCE THAT.

Kim: JUST SO EVERYONE IS AWARE, IF SOMEONE WERE TO BRING THEIR DOG TO THE PATIO, WE DO EXPECT THEM TO KEEP THEIR DOG TO BEHAVE WELL AND IN AN ORDERLY MANNER. IF SOME PEOPLE ARE INTERESTED IN LEARNING MORE ABOUT THIS, IT WAS HELPFUL IN PROVIDING A WEBSITE, IT'S CALLED BESTFRIENDSPETCARE.COM. A TAB UNDER SUMMER DINING WITH YOUR DOG, GIVES RECOMMENDATIONS ON HOW TO MAKE SURE THAT YOUR DOG IS READY OR APPROPRIATE FOR BRINGING IT INTO A DINING AREA OUTDOORS.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: JUST A COUPLE OF QUESTIONS ABOUT HOW THIS

WOULD WORK. WOULD BUSINESSES THAT WANT TO ALLOW THIS FOR THE DOGS ON THEIR PATIOS HAVE TO APPLY FOR A PERMIT OR JUST PUT UP A SIGN ON THEIR BUSINESS OR DOES THAT WORK? WELL, WE ARE NOT PROPOSING TO SET UP ANY SORT OF REGISTRATION OR PREINSPECTION PROCESS. WE ARE BASICALLY LEAVING IT UP TO THE BUSINESS TO MAKE A DETERMINATION AS TO WHAT THEIR HOUSE RULES ARE GOING TO BE. USE THEIR STANDARD PROCEDURES FOR HOW THEY INFORM THEIR CUSTOMERS THROUGH, YOU KNOW, SIGNAGE, ADVERTISING, WHAT HAVE YOU. OUR ROLE WILL BE TO STRICTLY ENFORCE THE RULES AS YOU APPROVE THEM. WHEN WE DO ROUTINE VISITS, GET COMPLAINTS, WHEN WE ARE OUT THERE THROUGH DIRECT OBSERVATION, WE ARE ASSURING THAT THERE IS COMPLIANCE WITH THOSE RULES AND IF THERE ARE VIOLATIONS THEN WE WILL FOLLOW OUR NORMAL PROCEDURES. BUT WE ARE NOT, COUNCILMEMBER, SETTING UP ANY SORT OF SPECIAL OR FORMAL PROCESS FOR APPROVING THESE -- THESE ESTABLISH -- ESTABLISHMENT BY ESTABLISHMENT.

Alvarez: LET'S SAY THERE IS A COMPLAINT, YOU SEND AN INSPECTOR OUT, THERE'S FOG TO NOTHING TO LOOK FOR THAT SAYS THIS BUSINESS AGREED THIS ACTIVITY WILL BE ALLOWED, THIS AGREED TO THE RESPONSIBILITIES OR THE REGULATIONS OR STANDARDS REQUIRED. IF THEY DON'T SEE SOMETHING IN PARTICULAR AGREEING TO ABIDE BY THESE RULES, IS THAT GOING TO BE A BASIS FOR A CITATION IF -- OR -- IT SEEMS TO ME IF THERE ISN'T SOMETHING THAT DIFFERENTIATES THAT ALLOWS THAT, IT SEEMS LIKE ANYONE COULD GO TO ANY BUSINESS WITH A PATIO WITH THEIR DOG AND SEEMS LIKE THAT'S NOT WHAT THE INTENT HE IS BEHIND THIS RESOLUTION. OR ORDINANCE CHANGE. SEEMS LIKE WHAT WAS BEING ASKED HERE IS THAT -- IS THAT BUSINESSES THAT WANT TO DO IT CAN DO IT. SEEMS LIKE THERE ISN'T SOME STANDARD WAY WHERE BUSINESSES WANT TO ALLOW DOGS ON PATIOS TO -- TO FORMALLY KIND OF GET PEPPER MISSION TO DO IT OR TO -- YOU KNOW, TO PUBLICLY DISPLAY SOMETHING IN THEIR BUSINESS THAT SAYS THAT THIS IS COMMITTED THEN WE ESSENTIALLY ARE OPENING IT UP FOR ANY BUSINESS THAT HAS A PATIO FOR THIS ACTIVITY TO OCCUR. THAT'S NOT THE

WAY IT'S BEEN EXPLAINED, I MEAN,, YOU KNOW, I THINK I'M TRYING TO, YOU KNOW, UNDERSTAND, YOU KNOW, IF THIS DOES PASS THE TWO WEEKS WHEN THERE'S A PUBLIC HEARING, THEN, YOU KNOW, HE IS THERE SOMETHING FOR THE PET OWNER TO LOOK FOR THAT SAYS OKAY YES IT'S OKAY FOR ME TO GO TO THIS BUSINESS AND TAKE MY PET WITH ME?

WELL, AGAIN THE APPROACH THAT'S BEING PROPOSED IT'S THAT THAT RESTS WITH THE MANAGEMENT OF THE FOOD ESTABLISHMENT TO INFORM THEIR CUSTOMERS. IF A CUSTOMER COMES IN WITH A DOG AND THAT ESTABLISHMENT IS NOT ALLOWING THAT, THEIR PATIO IS NOT DESIGNED TO ACCOMMODATE THAT. THEN THE WAY THIS IS CURRENTLY DESIGNED IT WOULD BE THEIR RESPONSIBILITY TO, YOU KNOW, INFORM THAT PERSON THAT THAT'S NOT ALLOWED ON THE PREMISES. WHAT WE ARE DOING IS BASING IT ON FIRSTHAND OBSERVATION. WE ARE NOT DECIDING OR TRYING TO PREDETERMINE WHICH ESTABLISHMENT CHOOSES TO DO THIS. THE RULES ARE CLEAR, IF WE OBSERVE FIRSTHAND THAT A DOG IS IN AN AREA THAT IS NOT IN COMPLIANCE, THEN THAT'S GOING TO BE ACTED UPON EITHER THROUGH A CITATION OR THROUGH THE SCORING ASSOCIATED WITH THAT ESTABLISHMENT. ANOTHER APPROACH DMEB WOULD BE AS YOU SUGGEST TO SET UP SOME SORT OF ADMINISTRATIVE PROCEDURE WHICH YOU KNOW IF THAT'S THE WISH OF THE COUNCIL WE COULD, YOU KNOW, CERTAINLY CONSIDER THAT. BUT THEN WE NEED TO PUT INTO PLACE THE PROCESSES AND THE RESOURCES TO DO THAT. BUT I WOULD JUST ADD THERE'S A WHOLE SET OF RULES ASSOCIATED WITH FOOD ESTABLISHMENTS THAT THE OWNERS AND OPERATORS OF THOSE ESTABLISHMENTS ARE VERY FAMILIAR WITH. AND THEY ARE NOT NECESSARILY PUBLICIZED, THEY ARE JUST CLEARLY STATED AND -- AN EXPECTATION IN TERMS OF WHAT -- WHEN THEY ARE YOU TEENLY GO OUT AND OBSERVE AND WE ROUTINELY PROVIDE SCORING, CITATIONS, SO FORTH, RELATIVE TO THE NON-COMPLIANCE, GIVEN THE WAY THIS HAS BEEN PROPOSED, WE WOULD TREAT IT THE SAME AS ANY OTHER RULE RELATED TO THE OPERATION OF A FOOD ESTABLISHMENT. I DON'T KNOW IF YOU WOULD LIKE, WE DO HAVE STAFF HERE IF THERE'S A

NEED FOR FURTHER ELABORATE IN TERMS OF WHAT THOSE PROCESSES ARE.

THE RESPONSE RESPONSES, CLARIFY WHAT THE INTENT WAS IN TERMS OF IT BEING SPECIFIC BUSINESSES WHO WHO DECIDE OR MAKE A CONSCIOUS DECISION ON THEIR BUSINESS OR JUST TO GET THAT CLARIFICATION OR MAYBE SOME KIND OF A -- YOU KNOW, ESPECIALLY IN THE NEXT COUPLE OF WEEKS, ABOUT -- ABOUT SORT OF HOW THAT -- THAT -- HOW A BUSINESS, YOU KNOW, WOULD GO ABOUT -- TO OPERATE UNDER THIS PARTICULAR PART OF THE CODE.

Kim: SURE. I THINK IT WOULD BE WHATEVER THE PRANK WAS BEFORE. EACH RESTAURANT SETS THEIR OWN POLICY ON HOW THEY WANT TO INFORM THEIR CUSTOMERS OF THEIR POLICY. WE ARE NOT ASKING THEM TO GO ABOUT IT A CERTAIN WAY OR TO STIPULATE WHAT IS REQUIRED OF THEM TO INFORM THEIR CUSTOMERS AS HAS BEEN THE CASE FOR MANY, MANY YEARS. THEY JUST HAD THEIR OWN WAY TO INFORM THEIR CUSTOMERS OF THEIR DIFFERENT POLICIES. THIS WOULD BE JUST ONE OF THEM.

Alvarez: SURE, BUT -- A VERY SPECIFIC DIRECTION TO THE BUSINESS ABOUT HOW THEY INFORM THEIR CUSTOMERS THAT THEY -- THIS ACTIVITY MAY TAKE PLACE. FINALLY IF TERMS OF THE PUBLIC HEARING, IN TERMS OF THE PUBLIC HEARING, IS THAT TO BE SET FOR 6:00 P.M.? IS THAT THE INTENT BEHIND THE ACTION THAT IS BEING PROPOSED HERE?

Kim: I DON'T HAVE A PREFERENCE ON THE TIME.

Mayor Wynn: WE TYPICALLY DO 6:00 P.M. PUBLIC HEARINGS, BUT COUNCIL -- THAT'S THE PREROGATIVE OF THE COUNCIL.

Alvarez: THAT WOULD BE MY SUGGESTION.

WE HAVE A MOTION FROM THE COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER ALVAREZ TO -- TO POSTPONE ACTION ON ITEM NO. 28 AND INSTEAD TO POSTPONE ACTION ON ITEM NO. 28 UNTIL MARCH 2nd, 2006, AND SET IT FOR A 6:00 P.M. PUBLIC HEARING.

COUNCILMEMBER ALVAREZ?

Alvarez: JUST ONE FINAL REQUEST. IS IF -- TO THE CITY MANAGER IS IF WE COULD HAVE THE PUBLIC INFORMATION OFFICE JUST, YOU KNOW, DO A -- DO A PRESS RELEASE ON THE -- THAT THERE WILL BE AN OPPORTUNITY FOR COMMENT. I'M NOT SURE IF THAT TYPICALLY HAPPENS WITH ANY PUBLIC HEARING. BUT -- BUT AGAIN JUST BECAUSE IT'S A NEW POLICY ISSUE THAT'S BEING DISCUSSED, I THINK IT'S IMPORTANT THAT -- THAT WE INFORM THE PUBLIC THAT THERE'S AN OPPORTUNITY TO -- TO PROVIDE INPUT.

SURE.

Mayor Wynn: A MOTION AND A SECOND ON THE TABLE TO POSTPONE ACTION AND INSTEAD SET A PUBLIC HEARING AND POSSIBLE ACTION FOR 6:00 P.M. THURSDAY, MARCH 2nd, 2006. ON ITEM NO. 28. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL. MR. SMITH, YOU ARE STILL CONCERNED ABOUT THE LACK OF BACKUP ON ITEM NO. 11. I THINK THAT'S BEING PASSED OUT NOW.

THAT'S CORRECT, MAYOR.

Mayor Wynn: IF STAFF COULD WALK US THROUGH THIS BRIEF ORDINANCE ITEM NO. 11, REGARDING OUR LETTER OF CREDIT.

MAYOR, COUNCILMEMBERS, I'M THE CITY TREASURER, THIS IS AN EXTENSION TO THE \$28 MILLION LETTER OF CREDIT FOR THE AIRPORT. IT'S A THREE YEAR EXTENSION AND THEY DID LOWER THEIR RATE FROM 45 BASIS POINTS TO 29 AND A HALF BASIS POINTS. SO WE ARE JUST ASKING APPROVAL TO EXTEND THE LETTER OF CREDIT.

Mayor Wynn: OKAY. THANK YOU, SIR. QUESTIONS, COMMENTS, COUNCIL? COUNCILMEMBER DUNKERLY?

STANDARD STRAIGHTFORWARD STANDARD?

Dunkerly: MOTION TO APPROVE THIS ORDINANCE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE NUMBER 11, THIS ORDINANCE AUTHORIZING THE EXTENSION OF OUR LETTER OF CREDIT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU. SO, COUNCIL, I BELIEVE THAT'S ALL OF OUR DISCUSSION ITEMS. BEFORE WE GO INTO CLOSED SESSION. WITHOUT OBJECTION WE NEED TO GO INTO CLOSE SESSION PURSUANT TO 551.074 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEM NO. 35, RELATED TO THE COMPENSATION AND BENEFITS OF THE CITY MANAGER, ALSO PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS ITEM 36, RELATED TO POTENTIAL CHARTER AMENDMENTS FOR THE MAY '06 ELECTION BALLOT AND ITEM 37, AN ITEM REGARDING KBDJ LIMITED PARTNERS. WE ARE NOW IN CLOSED SESSION, I ANTICIPATE US COMING OUT RIGHT AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM 36 RELATED TO POTENTIAL CHARTER AMENDMENTS. NO DECISIONS WERE MADE. WE'LL NOW GO TO OUR GENERAL CITIZEN COMMUNICATION, A FEW MINUTES LATER. I APOLOGIZE FOR THE DELAY. OUR FIRST SPEAKER IS CAROL ANNE ROSE KENNEDY. TOLL TO BE FOLLOWED BY JENNIFER GALE. JENNIFER GALE. TO BE FOLLOWED BY STEVE MASON. STEVE MASON. IT IS AFTER NOON, CORRECT? [LAUGHTER] BE SURE OUR CLOCK'S WORKING. AND THEN WE'VE HAD TWO CANCELLATIONS FROM OUR POSTED AGENDA THAT FOLKS WERE KIND ENOUGH TO CONTACT THE CITY CLERK, ELEANOR THOMPSON AND REBECCA FOREST WON'T BE ABLE TO MAKE IT TODAY. MALCOLM YEATTS. MALCOLM, WELCOME. WOULD YOU CARE TO ADDRESS US?

[INAUDIBLE - NO MIC]. [LAUGHTER]

Mayor Wynn: NOW, WE'RE NOT GOING TO GIVE YOU EVERYBODY ELSE'S THREE MINUTES WHO DIDN'T SHOW. YOU WILL BE FOLLOWED BY PAT JOHNSON. WELCOME.

THANK YOU. MY NAME IS MALCOLM YEATTS AND I'M HERE TODAY REPRESENTING THE SOUTHEAST AUSTIN TRAILS AND GREENWAYS ALLIANCE. THIS GROUP WAS FORMED IN THE NEIGHBORHOOD MEETINGS, THE GOAL WAS GROUP IS TO BUILD A HIKE AND BIKE TRAIL FROM THE GUERRERO COLORADO RIVER PARK TO MABEL DAVIS PARK. THE RESIDENTS OF THE AREA STATED DURING THE PLANNING MEETINGS THAT THEY WANTED TRAILS THAT WOULD CONNECT THEIR ISOLATED NEIGHBORHOODS ON PARKS, SCHOOLS AND TRAILS ALONG TOWN LAKE. THE GOAL WAS INCORPORATED INTO THE NEIGHBORHOOD PLAN AND OUR GROUP HELD THEIR FIRST MEETING IN AUGUST OF 2004. SINCE THEN OUR GROUP HAS ACHIEVED AN IMPRESSIVE LIST OF ACCOMPLISHMENTS. WE HAVE SPONSORED MANY CLEANUPS EVENTS, HAULING OUT HUGE LOADS OF TRASH. WE HAVE JOINED WITH THE AUSTIN PARKS FOUNDATION AS A SUBGROUP. WE HAVE OBTAINED A GRANT TO HELP CLEAR THE TRAIL. WE HAVE CLEARED A TRAIL THROUGH THE SCRUB FOREST THROUGH THE BALL FIELDS TO THE PROPERTY LINE OF THE ADJACENT APARTMENT COMPLEX WITH A SPUR TO THE INTERSECTION OF PLEASANT VALLEY ROAD AND LAKE SHORE BOULEVARD. WE HAVE WORKED WITH THE STAFF OF THE NEIGHBORHOOD PLANNING DEPARTMENT TO CONTACT THE OWNERS OF THE APARTMENT COMPLEXES TO OBTAIN THEIR PERMISSION FOR TRAIL EASEMENTS. THIS YEAR WE HAVE BEEN RECOGNIZED BY THE KEEP AUSTIN BEAUTIFUL AS THE BEST EXAMPLE OF COMMUNITY INVOLVEMENT. WHEN THIS TRAIL IS COMPLETED, THE TRAIL WILL CONNECT MABEL DAVIS PARK TO THE GUERRERO COLORADO RIVER PARK THROUGH A NETWORK OF TRAILS AND LOW TRAFFIC VOLUME RESIDENTIAL STREETS. THE TRAIL WILL EVENTUALLY CONNECT TO OTHER TRAILS BEING BUILT IN THE CITY SUCH AS THE MCKINNEY FALLS TO DOVE SPRINGS TRAIL, THE LANCE ARMSTRONG BIKEWAY AND THE MONTOPOLIS BRIDGE. THE COUNTRY CLUB CREEK TRAIL WOULD BECOME PART OF THE EAST SIDE GREENBELT AND RESERVE

ENVISIONED BY THE NEIGHBORHOOD PLAN AND ALSO A GATEWAY FOR ALL OF EAST AUSTIN TO REACH TOWN LAKE. THE TRAIL IS SLOWLY BECOMING A REALITY. OUR GROUP, WITH MANY VOLUNTEERS, HAS CLEARED THE NORTHERN SECTION OF THE TRAIL THROUGH THE PARK. THE CITY OF AUSTIN HAS BUILT THE SOUTHERN SECTION OF THE TRAIL FROM OLTORF TO BURLESON WITH THE CIP PROJECT. ALL THAT REMAINS IS THE MIDDLE SECTION TO BE COMPLETED. THIS MIDDLE SECTION CONSISTS OF TRAIL EASEMENTS ALONG COUNTRY CLUB CREEK OWNED BY THE APARTMENT COMPLEXES. WE PLAN TO APPLY FOR RECREATIONAL TRAIL GRANTS AWARDED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT IN ORDER TO CLEAR THIS LAND FOR THE TRAIL. THE DEADLINE FOR GRANT APPLICATIONS IS JUNE 1st. A REQUIREMENT FOR THESE GRANTS IS THAT THE LAND FOR THE TRAIL HAVE PUBLIC ACCESS. THIS IS WHERE WE NEED THE HELP FROM CITY COUNCIL. WE ARE GRATEFUL TO THE NEIGHBORHOOD PLANNING DEPARTMENT AND THE PARKS DEPARTMENT FOR ALL OF THE HELP THEY HAVE GIVEN OUR GROUP. THE NEIGHBORHOOD PLANNING DEPARTMENT HAS GIVEN US THEIR TIME AND EXPERTISE AND THE PARKS DEPARTMENT HAS LOANED US TOOLS AND HAULED AWAY TRASH AND BRUSH. IN ORDER TO CONTINUE TO ESPECIALLY HELP US DURING THE NEXT PHASE OF THE PROJECT, HOWEVER, CITY DEPARTMENTS WILL NEED SPECIFIC DIRECTION FROM COUNCIL. I AM HERE TODAY ON BEHALF OF THE TRAILS ALLIANCE AND ALL OF THE NEIGHBORHOODS IN THE SOUTHEAST AUSTIN AREA TO REQUEST THAT COUNCIL DIRECT THE CITY MANAGER -- [BUZZER SOUNDS] -- TO COORDINATE WITH THE PARKS, REAL ESTATE AND LEGAL DEPARTMENTS TO EXPEDITE THE COMPLETION OF THE TRAIL EASEMENTS GRANTED BY THE APARTMENT COMPLEXES. THANK YOU.

Mayor Wynn: THANK YOU. AND ACTUALLY, COUNCIL IF YOU DON'T MIND SINCE WE HAVE SO MANY CANCELLATIONS OR NO-SHOWS, LET'S SEE, WARREN STRUSE IS IN THE ROOM AND OF COURSE OUR CITY MANAGER HERE. A COUPLE OF QUESTIONS. WHEN WE -- KNOWING THIS PROPOSED TRAIL MODESTLY. IN FLOODPLAINS OF THESE CREEKS, OBVIOUSLY -- GENERALLY SPEAKING, WE HAVE -- I KNOW WE HAVE DRAINAGE EASEMENTS EVEN THOUGH IT'S TECHNICALLY

PROBABLY PRIVATE OWNED PROPERTY. DO DRAINAGE EASEMENTS GIVE US ANY OTHER RIGHT? I WANT TO BE VERY RESPECTFUL OF THOSE PROPERTY OWNERS, BUT HOW MUCH LEEWAY DO WE HAVE JUST AUTOMATICALLY BECAUSE OF FLOODPLAIN AND DRAINAGE EASEMENTS? AND THEN SECOND QUESTION IS REMIND ME HOW, IF ANY WAY THIS POTENTIAL PROJECT FELL INTO THE FACILITIES ANALYSIS OF OUR BOND DISCUSSION?

FIRST OF ALL, LET ME ANSWER THE QUESTION ON EASEMENTS, IF I MAY. WARREN STRUSE, PARKS AND RECREATION DEPARTMENT. AS I UNDERSTAND THE LEGALITIES OF THE EASEMENT, THE DRAINAGE EASEMENT IS ONLY FOR THAT PURPOSE, FOR DRAINAGE. SO IT WOULD BE INCUMBENT UPON US TO GO BACK IN -- I'VE TALKED TO REAL ESTATE ALREADY. IT WOULD BE INCUMBENT UPON US TO GO BACK IN, WORK WITH EACH OF THE PRIVATE PROPERTY OWNERS AND SECURE AN EASEMENT WITH EACH OF THEM. WHAT THAT WOULD REQUIRE IS A SURVEY OF THEIR PROPERTY AND THEN TURN THAT INTO AN EASEMENT FOR RECREATIONAL TRAIL ON A TRANSPORTATION TRAIL. AS FAR AS THE BONDS ARE CONCERNED, MAYOR, THIS IS NOT NECESSARILY IN THE BOND PACKAGE THAT WE SUBMITTED. SO THERE IS NOT DOLLARS IN THERE FOR THIS SPECIFIC TRAIL. ALSO WHAT I WANTED TO MAKE SURE, FIRST OF ALL I NEED TO -- REALLY NEED TO SAY THANK YOU TO THE GROUP THAT HAS JUST GRIND A LOT OF TRACTION. THE PROJECT HAS SO MUCH MERIT TO TIE THE PARKS TOGETHER. IT IS IN THE NEIGHBORHOOD PLAN. IT'S BEING DISCUSSED RIGHT NOW IN THE NEIGHBORHOOD PLAN. AND IT WAS GOING TO BE OUR POSITION TO LET THE NEIGHBORHOOD PLAN GET ADOPTED WITH THE COUNTRY CLUB CREEK IN IT. AND ONCE IT'S ADOPTED, IT BASICALLY GIVES US DIRECTION TO MOVE FORWARD ADEPRESSIVELY TO MAKE THIS HAPPEN. THAT'S WHAT WE WERE WAITING ON. MAYOR, THERE WILL BE RESOURCES NEED THE FOR THIS, OBVIOUSLY SURVEYS, TIME, LABOR AND SO FORTH. IN TALKING TO REAL ESTATE TODAY, THEY INDICATED THAT TO HELP SECURE THE EASEMENTS -- WE UNDERSTAND THERE'S A LOT OF INTEREST TO GET THE EASEMENTS. TO HELP SECURE THE EASEMENTS, REAL ESTATE IS WILLING TO GO OUT RIGHT NOW AND CANVASS THE PRIVATE PROPERTY OWNERS TO

DETERMINE WHO ALL IS REALLY INTERESTED IN DONATING THEIR EASEMENTS OVER TO THE CITY. SO THEY'RE WILLING TO START THAT PROCESS RIGHT NOW.

Futrell: WARREN, THE IDEA TO RUN IT PARALLEL WITH THE TRAIL PROCESS IN ANTICIPATION THAT IT WILL BE PART OF THE NEIGHBORHOOD PLAN AND THEN YOU COULD MOVE FORWARD MORE QUICKLY TRYING TO IMPLEMENT.

EXACTLY. THAT'S WHAT WE WOULD LIKE TO DO IS GET THE PRELIMINARY WORK DONE AND FIND OUT WHO ARE THE WILLING OWNERS. AND THEN ONCE THE NEIGHBORHOOD PLAN IS ADOPTED THEN WE MOVE FORWARD AGGRESSIVELY WITH SURVEYING AND SO FORTH.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I DO WANT TO THANK THE GROUP FOR ITS WORK ON THIS PROJECT, AND I JUST HAPPENED TO BE AT THE EVENT WHERE YOU RECEIVED YOUR FIRST GRANT TO BEGIN THE PROCESS IN IMPLEMENTING THIS VISION. AND SO IT SEEMS LIKE Y'ALL HAVE BEEN PRETTY BUSY SINCE THEN MOVING FORWARD WITH IT. I THINK ONE OF THE ISSUES THAT YOU ALL RAISED WAS OBVIOUSLY THE POTENTIAL FOR YOUR GROUP TO RAISE MORE MONEY FOR THIS PROJECT, BUT LACKING SOME KIND OF A FORMAL ENDORSEMENT FROM THE CITY. AND SO WHY IS THAT AN ISSUE? IS THAT ENOUGH FOR YOU TO CONTINUE YOUR FUND-RAISING EFFORTS?

RIGHT. ESSENTIALLY WE COULD WAIT EXCEPT WHAT THAT MEANS IS THAT WE'D HAVE TO WAIT ANOTHER YEAR FOR THE DEADLINE FOR THESE GRANTS TO COME UP. AND WE'VE GOT SO MUCH MOMENTUM GOING. WE'VE CLEARED ALL OF THE TRAIL THAT WE CAN WITHIN THE PARK, AND SO WHAT'S NEXT IS THE EASEMENTS. AND ACTUALLY, THE NEIGHBORHOOD PLANNING DEPARTMENT STAFF HAS BEEN VERY GOOD IN COOPERATING WITH US AND GOING OUT AND TALKING TO THESE APARTMENT OWNERS, SO THIS WOULD NOT BE THE FIRST TIME THEY'VE HEARD THIS. AND THEY'VE ALREADY AGREED IN PRINCIPLE, AND WE HAVE ONE SPECIFIC APARTMENT BUILDING IN MIND THAT IS ADJACENT

TO THE PARK THAT WOULD BE THE LOGICAL EXTENSION OF THE TRAIL NEXT. SO, SEE, THERE'S -- THERE'S A TIME LINE INVOLVED, AND WHAT IT WOULD ALSO MEAN IS THAT ONCE THIS CRITICAL SECTION WAS DONE, THEN THERE WOULD BE ACCESS FOR A NUMBER OF DIFFERENT PEOPLE TO USE THE TRAIL. >

OBVIOUSLY SHARING THAT INFORMATION WOULD BE ADVANTAGEOUS AT THIS POINT, BUT I FEEL LIKE YOU, SINCE OUR RIVERSIDE, OLTORF PROCESS HAS KIND OF BEEN -- IS UP TO THE AIR OR MAY BE -- THERE MAY BE A NEED FOR IT TO TRY TO MOVE FORWARD IN A MORE DILIGENT FASHION BECAUSE AGAIN, WE ALL KNOW HOW LENGTHY THAT NEIGHBORHOOD PLANNING PROCESS IS. AND THAT PLAN WAS PROCESSED TO HAVE COME TO ACTUALLY THIS MONTH OR MUCH SOONER THAN THAT, BUT IT'S A PRETTY SIGNIFICANT WAYS AWAY FROM COMING TO A VOTE. SO ANYWAY, I CERTAINLY WANT TO WORK WITH OUR CITY MANAGER AND CITY COUNCIL TO SEE IF WE CAN'T EXPRESS SOME MORE FORMAL SUPPORT OR OFFICIAL SUPPORT FOR YOUR EFFORTS, BUT THANKS FOR YOUR PATIENCE AND YOUR HARD WORK. >>

Mayor Wynn: PAT JOHNSON?

[INAUDIBLE - NO MIC].

THERE ARE LOTS OF NO-SHOWS TODAY.

PROBABLY TWO-THIRDS OF ALL CRASHES IN WHICH PEDESTRIANS ARE KILLED ARE ON ROADS WHERE THE POSTED SPEED LIMIT ARE 30 MILES PER HOUR OR LESS. HIT BY A CAR AT 40 MILES PER HOUR, NINE OUT OF 10 PEDESTRIANS WILL BE KILLED. HIT BY A CAR AT 30 MILES PER HOUR, ABOUT HALF THE PEDESTRIANS WILL LIVE. AND HIT BY A CAR AT 20 MILES PER HOUR, ONLY ONE OUT OF 10 PEDESTRIANS WILL BE KILLED. UNFORTUNATELY, MOST DRIVERS AS WE KNOW EXCEED THE SPEED LIMIT AT SOME TIME DURING THEIR DRIVING CAREER. IT GOES ON QUITE OFTEN. RED LIGHT MEANS STOP. WHEN YOU'RE APPROACHING AN INTERSECTION, THE LIGHT GOES TO STRANGE YELLOW, YOU NEED TO SLOW DOWN. PEDESTRIANS ARE ALWAYS GETTING RUN OVER. RED LIGHT

MEANS STOP. IT DON'T MEAN SPEED UP. SPEED THROUGH THE INTERSECTION, TRY TO MAKE THE INTERSECTION WITHOUT BEING HIT. IF YOU SPEED UP YOU PUT NOT ONLY YOUR LIFE AT RISK, BUT SOMEONE ELSE'S. IF IT'S A PEDESTRIAN, IT CAN CAUSE A LOT OF PROBLEMS FOR THE INJURED PERSON AND FOR YOUR POCKETBOOK IN LEGAL FEES. AND THIS IS THE REASON WHY, RIGHT HERE. YOU SEE THIS PICTURE RIGHT HERE, YOU NOTICE THE DRIVER OF THIS MERCEDES STATION WAGON, SHE'S LOOKING STRAIGHT AHEAD. SHE'S NOT AWARE OF HER SURROUNDINGS IN DRIVING THE CAR. WHENEVER YOU GO THROUGH AN INTERSECTION AND YOU SEE A PEDESTRIAN IN THAT CROSSWALK, YOU NEED TO STOP. OKAY. YOU UP HERE IN THE AUDIENCE, I WANT TO THANK YOU FOR YOUR 28 AND A HALF YEARS OF SERVICE THAT YOU'VE GIVEN THE CITIZENS OF AUSTIN. A LOT OF PEOPLE DON'T KNOW, BUT TOMORROW IS YOUR LAST DAY. THIS IS A STUNNING NOTE. IN THIS 28 AND A HALF YEAR SERVICE TO THE CITIZENS, HE NOT ONCE FIRED HIS WEAPON DURING HIS TENURE OF DUTY EXCEPT FOR PRACTICE. AND IT WAS ROBERT DAU ST. TROM WHO WAS BEHIND BRINGING THE TASERS TO THE AUSTIN POLICE DEPARTMENT. A LOT OF PEOPLE DON'T LIKE TASERS, BUT IT'S BETTER THAN ATTENDING FUNERALS. I REMEMBER WHEN THE EAST SUBHAD PROBLEMS WITH THE ROOF AND THEY HAD TO WEAR A JACKET OR RAINCOAT TO ROLL CALL. WE'VE SEEN A LOT OF CHANGES IN THE POLICE DEPARTMENT. WE'VE BEEN ABLE TO REQUIRE BETTER FACILITIES, BETTER FACILITIES TO SERVE OUR CITIZENS. THANK YOU, COUNCIL. >>

Mayor Wynn: THANK YOU, MR. JOHNSON. AND WE AGREE COMPLETELY ABOUT THE CHIEF. SO ONCE AGAIN, IS CAROL ANNE ROSE KENNEDY? OR JENNIFER GALE? OR STEVE MASON?

WELCOME, JENNIFER. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, MAYOR WYNN, CITY MANAGER TOBY FUTRELL,, HARD WORKING STAFF AND CITY EMPLOYEES. HI, AUSTIN. LOVE IS IN THE AIR. THIS WEEKEND WOULD BE A GOOD TIME TO CELEBRATE VALENTINE'S DAY AGAIN. I'M ASKING EVERYONE TO SLOW DOWN BY FIVE MILES PER HOUR ON OUR ROADS. WE'RE LOSING TOO MANY PEOPLE.

MY NAME IS JENNIFER GALE, CANDIDATE FOR GOVERNOR OF TEXAS. I'D ALSO LIKE TO WISH GOD SPEED TO OFFICER DAL DALSTROM WITH PAT JOHNSON. CHIEF OF POLICE STANLEY KNEE SAID HE WOULD CREATE A MEMORANDUM ON DECEMBER 15TH INFORMING OUR LAW ENFORCEMENT THAT IT WAS OKAY TO SLEEP, INCLUDING THE LAYING DOWN OF BEDDING. HE HAS YET TO DO SO. I'VE ASKED THE CITY COUNCIL NEARLY A DECADE AGO TO RELEASE HIM FROM HIS CONTRACT. BECAUSE OF CONSTITUTIONAL GROUNDS. AFTER TALKING TO A.P.D. OFFICER DAL DALSTROM HE GAVE ME INFORMATION THAT HAD NOTHING TO DO WITH MY REQUEST. NOT AS CHIEF OF POLICE OF THE UNIVERSITY OF TEXAS POLICE DEPARTMENT. THE OLD LAW SPOKE OF THE LAYING DOWN OF BEDDING AND SLEEPING. WHERE IS OUR QUALITY OF LIFE IF WE PAY NEAR MINIMUM WAGE? THERE ARE NO BOOT STRAPS TO PULL YOURSELF UP WITH. WHEN I WAS -- I HAVE BEEN GIVEN TWO TICKETS, WHICH I'M CHARGING THE CITY COUNCIL \$20,000. I HAD MY HEAD ON THIS BAG ON TOP OF A PIECE OF CARD BODY AND THEY SAID I WAS STORING MY BELONGINGS THERE. ALL I WAS DOING WAS SLEEPING. WITH MY HEAD ON THE BAG. IT'S AT LEAST A 250-DOLLAR FINE. THEY GAVE ME ANOTHER ONE SAYING MY STUFF WAS ON THE GROUND, WHICH WAS THIS BAG, AND A PIECE OF CARDBOARD TO KEEP ME FROM THE WET. AUSTIN IS NEITHER LIBERAL OR CONSERVATIVE. WE LIVE IN A CLIMATE WHERE BUSINESS DOESN'T FEEL RESPONSIBLE FOR ANYTHING OTHER THAN ITS IMAGE. HOW ARE WE SUPPOSED TO -- HOW ARE PEOPLE SUPPOSED TO PICK THEMSELVES UP WHEN THEY HAVE LAWYERS AND THEY HAVE TO FIND COURT DATES AND LAWYERS. SO WHAT I'M ASKING IS THAT WE -- THAT I GET PAID \$20,000 OR WHEN YOU DLIN YAT WHAT THE -- DLAN 80 WHAT THE -- DELINEATE WHAT THE WHAT CENTRAL BUSINESS DISTRICT IS IN THE ORDINANCE, THEN PUT THAT LAYING DOWN IS A GOOD IDEA. THEN I WILL DISMISS THE \$20,000 THAT YOU OWE ME. AND I WOULD LIKE A RESPONSE IN TWO WEEKS. THANK YOU, MAYOR, CITY COUNCIL.

Mayor Wynn: THANK YOU, JENNIFER GALE. SO COUNCIL, THAT'S ALL OUR CITIZENS WHO HAVE SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. SO WITHOUT OBJECTION, WE'LL NOW GO BACK INTO CLOSED SESSION

AND GRAB A BITE TO EAT, BUT ALSO TO TAKE UP PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, ITEM NUMBER 37 RELATED TO A MATTER REGARDING THE KDBJLP QUARRY AND ALSO AT SOME POINT PURSUANT TO SECTION 551.074 OF THE OPEN MEETINGS ACT, TAKE UP PERSONNEL MATTERS RELATED TO OUR CITY MANAGER. WE'RE NOW IN CLOSED SESSION. I ANTICIPATE US BEING BACK OUT SHORTLY AFTER 2:00 P.M. FOR A BRIEFING. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN SESSION WE TOOK UP ITEM NO. 35 RELATED TO THE PERFORMANCE EVALUATION AND COMPENSATION DISCUSSION FOR THE CITY MANAGER. WE'LL TAKE UP THAT PUBLIC PART OF THAT DISCUSSION HERE IN A FEW MINUTES. IN THE MEANTIME, OBVIOUSLY WE ARE RUNNING BEHIND, BUT WE HAD POSTED FOR A CITY OF AUSTIN BONDS ELECTION BRIEFING THAT WE WILL NOW TAKE UP, THAT WE WILL TALK ABOUT SOME OF THE DEBT MANAGEMENT CRITERIA AND A PROPOSED -- DISCUSSION ABOUT A PROPOSED BOND CALENDAR, WELCOME MR. JOHN STEPHENS.

THANK YOU MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. I'M JOHN STEPHENS, CHIEF FINANCIAL OFFICER. CONTINUING IN OUR PRESENTATIONS ON THE BOND ELECTION, I WANT TO GO OVER WITH YOU TODAY ESSENTIALLY REVIEW SOME OF THE INFORMATION THAT WE REVIEWED WITH YOU LAST YEAR WHEN WE FIRST BEGAN DISCUSSING THE BOND ELECTION. THIS WILL BE A LOT SHORTER THAN THAT PRESENTATION WAS, BECAUSE WE ARE ONLY GOING TO LOOK AT THE DEBT MANAGEMENT CRITERIA THAT WE CONSIDER WHEN WE ARE LOOKING AT ISSUING DEBT. ONE OF THE FIRST CRITERIA THAT WE LOOK AT IS THE BOND ELECTION POLICY. THE CITY HAS A FINANCIAL POLICY, TWO FINANCIAL POLICIES RELATIVE TO THIS. ONE SAYS THAT THE TOTAL DOLLAR AMOUNT OF BOND ELECTION PROPOSITIONS SHALL NOT EXCEED THE CITY'S ESTIMATED ABILITY TO ISSUE THESE BONDS WITHIN A NORMAL SIX YEAR PERIOD. AND IN OTHER WORDS WE DON'T WANT TO HAVE A BOND ELECTION THAT'S GOING TO HAVE SUCH A LARGE AMOUNT OF BONDS ON IT THAT WE CAN'T REASONABLY ISSUE THOSE BONDS AND GET THE PROJECTS DONE WITHIN A NORMAL PERIOD OF TIME. SIX OR SEVEN YEARS. AND THEN WE ALSO HAVE A POLICY THAT SAYS AN

ESTIMATED TWO YEARS OF AUTHORIZED UNISSUED BONDS WILL REMAIN BEFORE AN ELECTION WILL BE HELD. IN OTHER WORDS, WE NORMALLY WILL NOT HOLD A BOND ELECTION, ISSUE A LOT OF BONDS AND -- ISSUE A LOT OF BONDS AND TURN AROUND TWO YEARS LATER AND DO THE SAME THING AGAIN. WE WILL FIRST WORK THROUGH THOSE BONDS. WE ARE IN COMPLIANCE WITH BOTH OF THESE FINANCIAL POLICIES. THEN MOVING ON, CERTAINLY SOME OF THE MOST IMPORTANT CRITERIA THAT WE LOOK AT BEFORE WE UNDERTAKE A BOND ELECTION LIKE THIS ARE -- ARE WHAT OUR RATING AGENCIES CONSIDER, WHAT THEY LOOK AT, WHEN THEY ARE GOING TO RATE THE CITY'S DEBT AND OUR ABILITY TO ISSUE ADDITIONAL BONDS. PROBABLY THE MOST IMPORTANT FACTOR THAT THEY CONSIDER WHEN THEY RATE A CITY'S BONDS IS THE ECONOMY. THEY LOOK AT THE DEMOGRAPHICS IN THE AREA, AGE, EDUCATION, EMPLOYMENT, INCOME LEVELS AND SO ON. THEN THEY LOOK AT THE CITY'S DEBT BURDEN. THEY LOOK AT SEVERAL RATIOS. THEY LOOK AT THE RATIO OF DIRECT DEBT TO ASSESSED VALUE. IN OTHER WORDS HOW MANY DOLLARS IN BONDS YOU HAVE OUTSTANDING AS A PERCENT OF YOUR TOTAL ASSESSED VALUE. THEY LOOK AT WHAT'S CALLED THE INDIRECT OR OVERLAPPING DEBT TO ASSESSED VALUE. THIS IS DEBT THAT INCLUDES WHAT THE COUNTY, THE SCHOOL DISTRICT, ANY OTHER TAXING JURISDICTIONS IN THE SAME VICINITY AS THE CITY, WHAT THEIR TOTAL DEBT IS TO ASSESSED VALUE. THEN DEBT PER CAPITA IS AN IMPORTANT RATIO THAT THE AGENCIES LOOK AT. FINALLY DEBT SERVICE AS A PERCENT OF TOTAL EXPENDITURES. ANOTHER FACTOR THAT THEY LOOK AT IS DEBT RETIREMENT. IN OTHER WORDS YOU ISSUE BONDS AND HOW FAST DO YOU PAY THOSE BONDS OFF. WHAT PERCENT OF YOUR BOND PRINCIPLE DO YOU PAY OFF IN THE FIRST FIVE OR 10 YEAR PERIOD. A NORMAL BOND ISSUE PERIOD IS 20 YEARS AND THEY WANT TO KNOW HOW MUCH OF THAT YOU PAY OFF IN A FIVE OR 10 YEAR PERIOD. THEN FINALLY -- OFF IN A FIVE OR 10 YEAR PERIOD. FINALLY MANAGEMENT. THE DEPTH OF MANAGERIAL EXPERIENCE, WHAT YOU HAVE DONE AGAINST YOUR BUDGET AND YOUR FINANCIAL POLICIES THAT YOU HAVE IN PLACE. GOING INTO JUST A LITTLE BIT MORE DETAIL ABOUT EACH ONE OF THESE. I WANT TO SHOW YOU THESE QUOTES BECAUSE IN

FIRST CONSIDERING THE ECONOMY FACTOR THAT THE RATING AGENCIES LOOK AT, I HAVE A SERIES OF QUOTES UP HERE, LOOKING AT EACH ONE OF THESE FACTORS, THESE ARE FROM OUR MOST RECENT GENERAL OBLIGATION BOND ISSUE. THAT'S WHAT WE ARE TALKING ABOUT IN THIS CASE, GENERAL OBLIGATION BONDS. SO I WANT TO SHOW YOU SOME OF THE INFORMATION THAT THE RATING AGENCIES HAVE SAID OR SOME OF THE THINGS THAT THEY HAVE SAID FOR OUR MOST RECENT AUGUST 2005 BOND SALE. I WILL START WITH A QUOTE FROM MOODY'S. THE GOOD NEWS IS THAT FOR OUR AUGUST 2005 BOND SALE THEY ACTUALLY GAVE US SORT OF A SLIGHT UP TICK. WHAT THEY DID WAS THEY CHANGED OUR OUTLOOK FROM WHAT THEY CALL STABLE TO POSITIVE. AND THAT IS FREQUENTLY A SIGNAL FROM THE RATING AGENCIES THAT THEY MAY IN FACT UPGRADE YOUR BONDS. AT SOME POINT IN THE FUTURE. SO THAT'S -- THAT'S A VERY GOOD SIGN. AND WHAT MOODY'S SAID LAST AUGUST WAS THAT THEIR AFFIRMATION AND THE CHANGE IN OUTLOOK AGAIN FROM STABLE TO POSITIVE REFLECT THE FAVORABLE ECONOMIC TRENDS FOLLOWING THE PRIOR PERIOD OF HIGH TECH SOFTNESS AND SO ON. THAT -- THAT PART IS -- SPEAKS TO OUR ECONOMY. AND THEN FITCH FOR -- AT THE SAME TIME SAID THAT THEIR RATING REFLECTS OUR HISTORICALLY VIBRANT AND DIVERSE AREA ECONOMY. SO -- SO THE QUOTE FROM FITCH, FINALLY STANLEY AND POOR'S, THE RATING REFLECT THE CITY'S STRONG ECONOMIC BASE, STATE GOVERNMENT AND HIGHER EDUCATION, AND SIGNIFICANT AND IMPROVING HIGH TECH INDUSTRY AND EXPANDING SERVICE SECTOR. IN LOOKING AT DEBT BURDEN, I WANT TO TALK FIRST ABOUT THE CITY'S FINANCIAL POLICY. WE HAVE ONE FINANCIAL POLICY THAT RELATES TO DEBT BURDEN. THAT POLICY SAYS THAT OUR DIRECT DEBT, OUR TOTAL PRINCIPLE OUTSTANDING WILL NOT EXCEED 2% OF OUR TOTAL ASSESSED VALUE. WE ARE IN GOOD STEAD WITH THAT. OUR -- AS REPORTED IN OUR LAST YEAR'S COMPREHENSIVE ANNUAL FINANCIAL REPORT, FOR 2004, OUR DIRECT DEBT TO ASSESSED VALUE AT THAT TIME WAS 1.65%, WELL UNDER THAT FINANCIAL POLICY LIMIT OF 2%. AND IN ADDITION YOU SEAT RATIOS UP THERE, THE OVERLAPPING DEBT TO ASSESSED VALUE IS AT 3.51%. AGAIN THAT CONSIDERS DEBT THAT ALL OF THE OTHER ENTITIES, THE COUNTY AND

THE SCHOOL DISTRICT HAVE ISSUED IN ADDITION TO THE CITY OF AUSTIN'S DEBT AS A PERCENT OF ASSESSED VALUE. AND THEN FINALLY, THE DEBT PER CAPITA RATIO THERE THAT YOU SEE, THE CITY OF AUSTIN BEING AT 1,185, AND THEN THE QUOTES THAT YOU SEE FROM STANDARD AND POOR'S, THEY BASICALLY WERE SAYING THAT OUR OVERALL DEBT LEVELS ARE MODERATE, THEY HAVE DECREASED OVER THE PAST FIVE YEARS, THEY ARE CITING A DEBT PER CAPITA FOR OVERLAPPING DEBT AND A 3.1% OF MARKET VALUE. THE RATIOS ARE ALWAYS SLIGHTLY DIFFERENT FROM OURS BECAUSE THEY MAY BE TAKEN AT A DIFFERENT TIME OR THEY MAY INCLUDE THINGS IN THEIR CALCULATIONS SOMETIMES THAT WE DON'T. BUT THEN GOING ON, FITCH SAYS THAT OUR DEBT PROFILE IS MODERATE WITH DIRECT AND OVERALL DEBT AT 1.5% AND 3.2% OF TOTAL FISCAL YEAR 2006 ASSESSED VALUE. THAT OUR OVERALL DEBT PER CAPITA IS HIGH. THEY ARE SAYING THAT REFLECTS PRIMARILY NOT THE DEBT FROM THE CITY, BUT FROM COUNTIES AND SCHOOL DISTRICTS. I WILL TALK A LITTLE BIT MORE ABOUT THESE RATIOS IN JUST A MOMENT AND SHOW YOU SOME STATE AND NATIONAL COMPARISONS. HOW AUSTIN COMPARES STATE-WIDE AND NATIONALLY TO OTHER CITIES. ONE OTHER FACTOR AGAIN THAT -- THAT THE RATING AGENCIES CONSIDER IS DEBT RETIREMENT. AND THAT MEANS HOW FAST YOU PAY OFF YOUR DEBT. HOW FAST YOU PAY OFF THE PRINCIPAL. MOODIES THAT ISSUED A GUIDELINE THAT SAYS PRINCIPAL AMORTIZATION SHOULD BE 50% FOR 10 YEARS. AGAIN YOU ARE NORMALLY TALKING ABOUT A 20 YEAR DEBT. SO WHAT MOODY'S IS LOOKING FOR IS TO SEE ARE YOU AT LEAST PAYING OFF HALF OF THAT DEBT IN THE FIRST 10 YEARS. IN OTHER WORDS, MAKE SURE THAT YOU ARE NOT BACK LOADING THE DEBT. THE CITY OF AUSTIN, IF YOU LOOK BACK OVER THE LAST SEVERAL YEARS, AND CURRENTLY, WE HAVE PAID OFF APPROXIMATELY ONE THIRD OF OUR PRINCIPAL IN THE FIRST FIVE YEARS. AND APPROXIMATELY TWO-THIRDS OF OUR PRINCIPAL IN THE FIRST 10 YEARS. SO WE HAVE A VERY AGGRESSIVE DEBT PAYOFF SCHEDULE AND YOU SEE THE COMMENTS FROM THE RATING AGENCIES THAT -- THAT REFLECT THAT MOODY'S SAYING AGAIN THAT ALL OF THE -- ALTHOUGH THE CITY HAS AN AGGRESSIVE CAPITAL PLAN, THAT -- THAT OUR PRINCIPAL IS RETIRED AT A BRISK 67% IN

10 YEARS AND THEN ADDITIONALLY, I THINK THE -- WHAT THEY GO ON TO SAY IS AS THE TAX BASE EXPERIENCES MODERATE GROWTH, MOODY'S BELIEVES THAT ADDITIONAL DEBT CAN BE LATER WITHOUT SIGNIFICANT UPWARD PRESSURE ON THE DEBT POSITION. WHEN THEY MADE THIS STATEMENT, THEY KNEW OF THE CITY'S PLAN TO HAVE THE BOND ELECTION THAT WE ARE NOW GOING TO HOLD IN NOVEMBER. THEN YOU SEE THE QUOTES FROM FITCH AND STANDARD AND POOR'S BOTH ESSENTIALLY MAKING THE SAME REMARK. ONE OTHER FACTOR THAT WE TALKED ABOUT WAS DEBT TO OPERATIONS. THIS IS A QUOTE FROM MOODY'S BACK IN JANUARY OF 2005. I COULDN'T FIND ANY QUOTES FROM THE AUGUST '05 BOND SALE ON THIS. BUT THEY -- THE RATING AGENCIES ALSO LOOKED AT HOW MUCH YOUR DEBT SERVICE IS AS A RATIO OF YOUR TOTAL EXPENDITURES. IN OTHER WORDS, YOUR TOTAL EXPENDITURES ARE CONSIDERED TO BE YOUR DEBT SERVICE EXPENDITURES AND YOUR TOTAL GENERAL FUND EXPENDITURES, THEY WANT TO SEE WHAT PERCENTAGE DEBT SERVICE COMPRISES OF THE SUM OF THOSE TWO. AND IT SHOULD NOT EXCEED 20% AND YOU CAN SEE THE QUOTE FROM MOODY'S THERE IN JANUARY OF '05. OURS IS MODERATE AT 16.6%, WELL WITHIN OUR FINANCIAL POLICY. MOVING ON TO THE FACTOR OF MANAGEMENT, YOU SEE THE QUOTES THERE THAT MOODY'S AGAIN REVISED OUR OUTLOOK, CITING FAVORABLE FINANCIAL MANAGEMENT THAT PRESERVED OUR GENERAL FUND RESERVE THROUGH A PERIOD OF ECONOMIC SOFTNESS. LIKEWISE STANDARD AND POOR'S SAYS THEIR RATING IN AUGUST OF '05 REFLECTS THE CITY'S STRONG FINANCIAL MANAGEMENT AND OUR STRONG POSITION DESPITE RECENT BUDGET SHORTFALLS AND SALES TAX REVENUE. THEN FITCH CITES AS A STRENGTH OUR SOUND FINANCIAL CONDITION AND OUR CONSERVATIVE FISCAL POLICIES AND MANAGEMENT PRACTICES. WE WILL MOVE ON NOW TO SHOW YOU HOW AUSTIN COMPARES TO OTHER TEXAS CITIES. THIS IS DATA THAT IS SOMEWHAT DATED BUT IT'S FROM ALL OF THESE CITIES, 2004, COMPREHENSIVE ANNUAL REPORTS FOR [INDISCERNIBLE] BECAUSE THOSE ARE THE LATEST VERSIONS THAT WE HAVE FOR THAT. FOR THAT DOCUMENT FOR THOSE CITIES. AS YOU CAN SEE, IF YOU COMPARE AUSTIN TO THE OTHER CITIES IN TEXAS, WE ARE AHEAD ON

SOME RATIOS, SORT OF BEHIND ON OTHERS, YOU SEE WHAT OUR AVERAGE BOND RATING IS THERE. JUST WALKING YOU ACROSS THE DEBT PER CAPITA, AUSTIN IS THE HIGHEST IN TERMS OF DEBT PER CAPITA. WHEN YOU LOOK AT DEBT TO ASSESSED VALUE, THOUGH, WE ARE -- WE ARE THE MEDIUM CITY IN THOSE CITIES THAT I HAVE CITED UP HERE FROM TEXAS. WE HAVE AS HIGH OF A BOND RATING AS ANY OF THE CITY'S HAVE UP THERE AT A DOUBLE A PLUS. WHEN YOU LOOK AT OUR OVERLAPPING DEBT PER CAPITA, THERE ARE A COUPLE OF CITIES, HOUSTON, AND SAN ANTONIO, THAT ARE LARGER THAN AUSTIN AND THEN AT THE LAST ONE, OVERLAPPING DEBT TO ASSESSED VALUE, OURS AT 3.51% IS IN FACT BELOW THE MEDIAN OF THESE MAJOR TEXAS CITIES. SO IN GENERAL I THINK THAT WE COMPARE VERY FAVORABLY TO THE TEXAS CITIES. I WANT TO MOVE ON NOW OF HOW WE DID THE PROJECTION THAT'S WE HAVE BEEN WORKING WITH FOR SOME TIME NOW. THE CAPACITY TO ISSUE DEBT IS DRIVEN BY TAX RATE CONSIDERATIONS AND IT'S DRIVEN BY THE EFFECTS ON THE RATING INDICATORS THAT WE HAVE TALKED ABOUT. DEBT PER CAPITA, DEBT TO ASSESSED VALUE, SO ON. THE PROJECTIONS THAT WE DID, I'M GOING TO SHOW YOU THE SAME PROJECTIONS THAT WE DID LAST YEAR, THE PROJECTIONS THAT WHEN HE DID LOOKED AT FOUR OPTIONS FOR THE TAX RATE. ONE WAS LEAVING THE TAX RATE AS IT WAS. AGAIN BECAUSE WE HAVE THAT AGGRESSIVE DEBT PAYOFF SCHEDULE, IF WE LEFT THE TAX RATE WHERE IT WAS, WE WOULD STILL HAVE SOME ROOM TO ADD ADDITIONAL BONDS BECAUSE WE ARE MOVING THROUGH AND PAYING OFF DEBT FAIRLY RAPIDLY. SO WE LOOKED AT THAT SCENARIO WHERE WE STAY AT THE EFFECTIVE TAX RATE. THEN WE LOOKED AT A SCENARIO IN WHICH WE ADDED ONE CENT TO THE TAX RATE AND IN THIS CASE THIS WOULD HAPPEN GIVEN THAT WE ARE GOING TO HAVE THE ELECTION IN NOVEMBER OF 2006. WE CAN GET STARTED ON THE PROJECTS AS SOON AS THE ELECTION IS CONCLUDED. THROUGH ISSUING REIMBURSEMENT RESOLUTIONS TO GET OUR PROJECTS STARTED AND THEN THE TAX RATE WE COULD ADD THAT ONE CENT TO OUR DEBT SERVICE TAX RATE IN FISCAL YEAR 20082008. SO WE LOOKED AT A SCENARIO IN WHICH THAT WAS THE ONLY ADDITION THAT WE MADE TO OUR TAX RATE. THEM WE LOOKED AT A SCENARIO IN WHICH WE ADDED ONE CENT IN

2008, ANOTHER SENT IN 2009, THEN IN EACH OF THE FISCAL YEARS THAT YOU SEE UP THERE. WE USED THREE FACTORS TO LOOK AT EACH OPTION. ONE WAS WHAT OUR CAPACITY WOULD BE. IN OTHER WORDS FOR THOSE INCREASES ON OUR DEBT SERVICE TAX RATE, HOW MUCH NEW BONDING WHAT'S WOULD WE GET UNDER EACH SCENARIO. AND WE LOOKED AT WHAT THE ADDITIONAL DEBT THAT WE ISSUED WOULD DO UNDER EACH SCENARIO TO OUR DEBT PER CAPITA RATIO AND OUR DEBT TO ASSESSED VALUE RATIO. SO ... LET ME SHOW YOU THE RESULTS OF WHERE WE ENDED UP BEFORE WE LOOK AT THE RATING, WHAT IT DOES TO OUR RATING, OUR RATIOS. IN GENERAL, THE WAY THAT WE LOOKED AT IT WAS OVER THE SIX YEAR PERIOD THAT IS MENTIONED IN OUR FINANCIAL POLICY OVER WHICH WE WOULD ISSUE THE BONDS, YOU SEE IN BLACK THERE THE AMOUNT, THE 46.6 MILLION REPRESENTS THE AMOUNT OF ADDITIONAL DEBT THAT WE COULD ISSUE EACH YEAR DURING THAT SIX YEAR PERIOD JUST BY STAYING AT THE EFFECTIVE TAX RATE. WE WOULDN'T NECESSARILY ISSUE AN EQUAL AMOUNT EVERY YEAR AS WE MOVE THROUGH THE BOND PROGRAM, THROUGH THE SIX-YEAR BOND PROGRAM. BUT IT WOULD PROBABLY BE PRETTY CLOSE TO 1/6th OF WHAT THE TOTAL AMOUNT WAS. SO THE TOTAL FOR STAYING AT THE EFFECTIVE TAX RATE, THE TOTAL AMOUNT OF DEBT THAT WE COULD ISSUE OVER THAT SIX YEAR PERIOD WAS 279 MILLION. THEN THE NEXT SCENARIO OF WHERE WE ADDED ONE CENT TO THE EFFECTIVE TAX RATE IN FISCAL YEAR 2008 ONLY, WE GOT A TOTAL OF 360 MILLION OR APPROXIMATELY 60 MILLION A YEAR OVER EACH OF THE SIX YEARS. THE TWO CENT SCENARIO WHICH WE ADD ONE CENT IN 2008, ANOTHER CENT IN '09, GOT US TO A TOTAL OF [INDISCERNIBLE] ABOUT [INDISCERNIBLE] WITH 83.2 MILLION EACH YEAR. THE LAST SCENARIO, THE 3-CENT SCENARIO TO A TOTAL OF ABOUT 600 MILLION OVER THAT SIX YEAR PERIOD. MOVING ON TO LOOK AT WHAT EACH OF THESE SCENARIOS DID TO OUR DEBT PER CAP RATIO, YOU SEE THAT AGAIN ASSUMING THAT YOU STARTED THE MEASURE IN 2008 WHEN WE INCREASED OUR TAX RATE, UNDER THE EFFECTIVE TAX RATE SCENARIO WHERE WE LEFT OUR TAX RATE WHERE IT IS, IT WOULD -- OUR DEBT PER CAPITA RATIO WOULD PEAK IN FISCAL YEAR '09 EARLY ON AND THEN WOULD BEGIN TO DECLINE AFTER THAT. IN FACT YOU WILL

NOTICE THAT THAT NUMBER IN '09 IS LOWER THAN OUR CURRENT DEBT PER CAPITA RATIO BECAUSE IT OUR DEBT PER CAPITA IS GOING TO FALL UNTIL WE START ISSUING MORE BONDS. LAST YEAR WE ONLY ISSUED ABOUT 30 MILLION. IN GO BOND. WE WILL DO ABOUT THE SAME IN AUGUST OF '06. THEN IN THE ONE CRINT CENTS SCENARIO, THE RED LINE THAT YOU SEE, PEAKS IN FISCAL YEAR 12 ACCORDING TO OUR PROJECTIONS AT \$1,100 AND THEN MOVING ON THE TWO CENT SCENARIO PEAKS IN 13, 20, AT 1260, ALSO PEAKS IN FISCAL YEAR 2013 AT 13 1384 FOR THE 3-CENT. DEBT TO VALUE, YOU SEE IN THE FIRST TWO SCENARIOS THE EFFECTIVE TAX RATE AND ONE CENT SCENARIO ARE DEBT TO AV RATIO, PEAKS OVER THIS PERIOD OF TIME EARLY ON FISCAL YEAR 2008. LOOKING AT THE OTHER TWO CENT SCENARIO, PEAKS IN FISCAL YEAR 2013 AT 1.57%. AND IN THE THREE CENT SCENARIO AGAIN IN FISCAL YEAR 2013 AT 1.72% AND OF COURSE IN ALL OF THESE SCENARIOS AFTER THAT THE RATIO BEGINS TO DECLINE. SO LET ME SHOW YOU NOW A COMPARISON OF AUSTIN TO A GROUP OF NATIONAL CITIES. MOODY'S HAS DONE AN ANALYSIS THAT THE MEDIAN OF 30 CITIES WITH POPULATIONS GREATER THAN 500,000, THAT THE MEDIAN OF DEBT PER CAPITA FOR THOSE 30 CITIES LARGER THAN 500,000 IS 1251. AND THAT THE DEBT TO AV RATIO, THE MEDIAN FOR DEBT TO AV FOR THOSE CITIES IS 1.9%. LE RECAPING YOU SEE THE HIGHEST VALUES WE ESTIMATE THAT WE WOULD ACHIEVE UNDER THE VARIOUS SCENARIOS THAT WE HAVE SHOWN YOU. YOU SEE THOSE DOWN BELOW. MOVING DOWN TO THE TWO CENT SCENARIO, YOU CAN SEE THAT OUR PROJECTIONS SHOW OUR DEBT PER CAPITA WOULD PEAK AT 1,260 UNDER THAT 2-CENT SCENARIO. AND AGAIN LOOKING AT MOODY'S MEDIAN, THAT'S PRETTY MUCH RIGHT IN LINE WITH THE MEDIAN OF THOSE 30 CITIES. OUR DEBT TO AV, WHICH IS CONSISTENTLY LOWER THAN THE OTHER CITIES IN TEXAS AND NATIONWIDE WOULD PEAK AT 1.57%. ONEOF THE LAST THINGS THAT I WANT TO REMIND YOU OF TODAY, WHEN WE HAD OUR 1998 BOND ELECTION, ONE OF THE SIGNIFICANT COSTS IN ADDITION TO THE DEBT THAT WE ISSUED FOR THAT BOND ELECTION WAS THAT WE INCUR AN ADDITIONAL 16.5 MILLION IN ANNUAL OPERATING COSTS. THAT IS NOT THE CASE WITH WHAT IS CURRENTLY BEING ENVISIONED, I THINK, UNDER ANY OF THE SCENARIOS

FOR OUR UPCOMING BOND ELECTION. I BELIEVE THAT OUR O AND M IS GOING TO BE APPROXIMATELY -- OUR INCREASE IN O AND M ONCE THE BOND PROGRAM IS FULLY IMPLEMENTED, WILL PEAK -- IT WILL ADD ABOUT ANOTHER 5 MILLION, LOOKING AT GREG, YEAH, THAT'S RIGHT, WHICH WILL BE ABOUT ONE CENT ON THE OPERATING SIDE OF THE TAX RATE.

DO WE KNOW APPROXIMATELY HOW MANY F.T.E.'S VON. >> F.T.E.'S JOHN?

49. SO THAT IS A REVIEW OF THE PROJECTIONS THAT WE MADE LAST YEAR. LOOKING AT WHAT OUR RATING AGENCIES CONSIDER IMPORTANT AND LOOKING AT THE PROJECTIONS OF WHERE WE THINK THOSE RATIOS ARE GOING TO GO, I THINK THEY SHOW YOU THAT UNDER ANY OF THE SCENARIOS WE WILL NOT BE AN OUTLIER AND CERTAINLY UNDER THE ONE OR TWO CENT SCENARIO THAT WE ARE WELL WITHIN THE NATIONAL AT A MINIMUM. SO THE NEXT STEP IN THESE SERIES OF PRESENTATION THAT'S WE ARE GOING TO MAKE TO YOU OVER THE NEXT FEW MONTHS IS FOR US TO GET INTO MORE DETAIL TALKING ABOUT THE BOND PROGRAM ITSELF, WE ARE SCHEDULED, THE SCHEDULE THAT I THINK WE ARE GOING TO GO OVER WITH YOU IN JUST A MOMENT HAS US ON MARCH THE 23rd, BEGINNING WITH THE PRESENTATION ON DRAINAGE AND TRANSPORTATION BONDS THAT COULD BE INCLUDED IN THE BOND PROGRAM. WITH THAT I WILL CONCLUDE MY PRESENTATION.

Mayor Wynn: THANK YOU MR. STEPHENS, QUESTIONS OF MR. STEPHENS, COUNCIL? COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: MR. STEPHENS ON THE ISSUES OF DEBT PER ASSESSED VALUE, IS THAT JUST OF THE CITY'S -- THE CITY DEBT OR DOES THAT FACTOR IN WITH SCHOOLS AND COUNTIES, ALSO?

THE DEBT TO ASSESSED VALUE CAN BE DONE BOTH WAYS. CAN YOU DO IT EITHER AS DIRECT DEBT AS THE CITY'S DEBT ONLY, IT'S GENERAL OBLIGATION TAX FUNDED DEBT ONLY OR -- OR FOR -- FOR THE -- FOR THE OVERLAPPING ENTITIES,

ALSO.

McCracken: I JUST SEE SOME OF THE COMMENTS SUGGEST THIS IS ABOUT THE COMBINED DEBT OF ALL OF THE GOVERNMENTAL ENTITIES. NUMBERS THAT YOU SHOWED US, DOES IT REFLECT THE CITY DEBT OR DOES IT REFLECT THE COMBINED GOVERNMENTAL DEBT?

THEY WERE A MIXTURE OF NUMBERS IN THERE. SOME OF THE QUOTES FROM THE RATING AGENCIES, FOR EXAMPLE, IF YOU WILL TURN TO PAGE 5 -- GO BACK TO PAGE 5. YOU WILL SEE QUOTES FROM THE RATING AGENCIES THERE THAT TALK ABOUT BOTH OUR DIRECT DEBT AND OUR OVERLAPPING DEBT. LOOK AT THAT LAST QUOTE FROM FITCH THERE, OUR DEBT PROFILE. DIRECT DEBT IS 1.5% OF TOTAL ASSESSED VALUE, OUR OVERLAPPING DEBT IS 3.2% OF TOTAL ASSESSED VALUE.

McCracken: SO IN OTHER WORDS IF YOU LOOK AT PAGE 9 THEN, THE DEBT TO AV, THE OVERLAPPING DEBT TO AV, OF COURSE THAT'S VALUE -- THE DEBT TO ASSESSED VALUE REFLECTS THE CITY DEBT AND THE OVERLAPPING DEBT REFLECTS THE COMBINED COUNTY AND SCHOOL AND --

THAT'S CORRECT. THAT'S CORRECT. AND AGAIN THOSE -- THOSE RATIOS ARE GOING TO BE SLIGHTLY DIFFERENT BECAUSE OF THE TIMES AT WHICH THEY WERE TAKEN. THEY WERE MEASURED.

THEN HOW -- IS THIS JUST A GENERAL FUND DEBT OR DOES IT INCLUDE THE UTILITIES AS WELL?

IT DOES NOT INCLUDE THE UTILITY DEBT. IT INCLUDES ONLY THE GENERAL OBLIGATION DEBT THAT IS FUNDED BY OUR DEBT SERVICE TAX RATE.

McCracken: HOW MUCH OF THIS IS A FACTOR OF THE GROWTH RATE OF THIS COMMUNITY? THE EXAMPLE I WAS TOLD EARLIER FRISCO TEXAS IS HAVING TO MAKE MASSIVELY EXPAND WHAT -- I GUESS ISSUING BONDS FOR -- BECAUSE OF IMMENSE POPULATION EXPECTED GROWTH THAT IS REQUIRED TO TAKE ON A FAIR AMOUNT OF DEBT TO HANDLE THAT POPULATION GROWTH. IN YOUR OPINION,

HOW MUCH OF THE FACTOR OF THE DEBT OBLIGATIONS THAT WE TAKE ON IN AUSTIN IS A -- SIMILAR FACTOR BASED ON THAT WE ARE A FAST GROWING AREA?

NONE OF THE NUMBERS THAT I SHOWED YOU FROM THE RATING AGENCIES ACTUALLY CAN NECESSARILY CONSIDER THAT. THEY CERTAINLY CONSIDER HOW FAST THE ECONOMY IS GROWING AND THEY KNOW THAT THIS AREA IS EXPECTED TO GROW POPULATION-WISE AND THAT'S WHY WHEN THEY LOOK AT US AND RATE US, THEY ARE -- I THINK THEY HAVE AN EYE TO THE FACT THAT WE ARE GOING TO HAVE TO ISSUE ADDITIONAL DEBT TO -- TO FUND SOME OF THE NEEDS THAT WE HAVE HERE IN THE FUTURE. BUT THEY DO NOT -- AT LEAST I HAVE NOT SEEN IF THEY ARE MAKING PROJECTIONS IN TERMS OF -- YOU KNOW, HOW MUCH WE COULD ISSUE IN 10 YEARS, FOR EXAMPLE.

WELL, ONE ADDITIONAL POINT IS THAT WE HAVE THE -- WE HAVE THE FIGURE DEBT PER CAPITA. WE HAVE ALSO LEARNED THAT WE ARE -- WE ARE BLESSED BECAUSE OF -- BECAUSE OF OUR EXTENSIVE EFFORTS IN THIS COMMUNITY TO -- TO MAKE SURE THAT WE HAVE A GOOD EMPLOYER BASE AND HAVE GOOD JOBS AND PURSUE PROSPERITY. WE KNOW THAT WE ARE FORTUNATE TO HAVE A HIGHER INCOME AVERAGE INCOME IN AUSTIN THAN IN ANY OF THE OTHER CITIES LISTED ON PAGE NINE. DO YOU HAVE INFORMATION OF WHAT THE DEBT AS A PERCENTAGE OF HOUSEHOLD INCOME WOULD BE?

I DO NOT. I CAN GET THAT INFORMATION TO YOU, BUT I DON'T HAVE IT HERE AT HAND.

McCracken: ALL RIGHT. IN THE SENSE THAT, YOU KNOW, IF YOU ARE EARNING LET'S SAY IF YOU HAVE \$100 THEN ONE DOLLAR IS NOT A VERY BIG HIT. BUT IF YOU HAVE 1.50, TO USE A REAL BASIC EXAMPLE IT WOULD MATTER A LOT BECAUSE WE DO KNOW THAT AUSTIN HAS THE HIGHEST AVERAGE INCOME OF SOME OF THE CITIES ON PAGE 9, IT WOULD BE HELPFUL TO SEE IS IT A PERCENTAGE OF YOUR HOUSEHOLD BUDGET.

I'LL SEE WHAT KIND OF INFORMATION WE CAN GET FOR YOU ON THAT. I THINK TO A CERTAIN EXTENT THIS IS NOT THE --

NOT ANSWERING DIRECTLY THE QUESTION THAT YOU ASKED. BUT TO A CERTAIN EXTENT I THINK THAT IT'S REFLECTED IN THE DEBT TO A.V. RATIO BECAUSE OUR DEBT PER CAPITA RATIO, COMPARING US TO OTHER TEXAS TEXAS CITIES IS THE HIGHEST IN TEXAS. BUT IN DEBT TO AV IT'S RIGHT IN THE MIDDLE, REALLY RELATIVELY SLOW.

McCracken: YEAH. I MEAN IT'S KIND OF THE BASIC CONCEPT IF YOU OWED \$500 ON YOUR CREDIT CARD, YOU HAD A MONTHLY TAKE HOME PAY OF \$550 THAT WOULD BE A BIG PROBLEM. BUT IF YOU HAD A TAKE HOME PAY OF \$5,000, THEN A 500 CREDIT CARD BILL IS LESS OF A PROBLEM.

THAT'S EXACTLY RIGHT. THEY LOOK AT OUR TOTAL ASSESSED VALUE AND THAT IS THE ENGINE THAT'S GOING TO BE ABLE TO DRIVE OUR ABILITY TO REPAY OUR BONDS.

FURTHER QUESTIONS, COMMENTS, COUNCILMEMBER LEFFINGWELL. SO A SIX YEAR BOND PACKAGE WITH TAX INCREASES AND ONE PENNY INCREASES IN THREE YEARS WOULD BE \$600 MILLION, IS THAT CORRECT?

YES. INCREASING THE TAX RATE ONE CENT OVER EACH OF THE FIRST THREE YEARS OF THE BOND PROGRAM.

OKAY. AND SO THE DIFFERENCE BETWEEN A \$500 MILLION AND A \$600 MILLION IS JUST ONE PENNY INCREASE IN THE THIRD YEAR.

YES IT IS.

Leffingwell: THANK YOU.

QUESTIONS, COMMENTS, COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. JUST A QUICK QUESTION. IT SEEMS LIKE IN THAT CHART ON PAGE 9 THAT -- THAT WE ARE THE MOST OUT OF LINE, SO TO SPEAK. IT WAS ON DEBT PER CAPITA. THE OTHER CATEGORIES SEEM TO BE COMPARABLE TO AT LEAST SOME OF THE OTHER TEXAS CITIES, BUT I DIDN'T SEE ANY OF THE QUOTES, YOU KNOW, FROM THE BOND COMPANIES TALKING NECESSARILY ABOUT DEBT PER CAPITA. MAYBE IT DID, BUT I DIDN'T -- I NEED TO READ

BETWEEN THE LINES. MAYBE YOU CAN TALK ABOUT HOW THEY VIEW THAT, MAYBE IT RELATES TO SOME OF THE COMMENTS THAT WERE PRESENTED.

THE RATING AGENCIES -- I'M QUOTING AT LEAST PARTIALLY FROM MEMORY. BUT THEY HAVE FREQUENTLY DESCRIBED OUR DIRECT DEBT PER CAPITA AS MODERATELY HIGH. CERTAINLY IN THE COMPARISON WITH OTHER TEXAS CITIES, BUT THEY HAVE NEVER EXPRESSED CONCERN ABOUT THAT PARTICULAR RATIO AND I THINK ESPECIALLY WHEN YOU COMPARE IT WITH THE OTHER FACTORS THAT THEY LOOK AT, HOW STRONG THE ECONOMY IS, AGAIN OUR DEBT TO ASSESSED VALUE IT IS NOT A PARTICULAR CONCERN TO ME.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: THE POLICY GUIDELINES, WHICH YOU HAVE AT LEAST IN PART, AMORTIZATION OF 50%, 10 YEARS, AND -- AND 60S ON-- WELL, 67% OF 10 YEARS AND 35% IN FOUR YEARS, ALL OF THE OTHER POLICY GUIDELINES. HOW WOULD THOSE BE AFFECTED BY THE \$500 MILLION SCENARIO AND THE \$600 -- \$600 MILLION SCENARIO OR DO THOSE BOTH FIT INTO THAT POLICY GUIDELINE?

THEY DO BOTH FIT INTO THAT POLICY. WE LOOKED AT THAT ISSUE WHEN WE DO OUR PROJECTIONS, WE DETERMINED THAT BECOULD MAINTAIN ESSENTIALLY THOSE SAME TWO PRACTICES THAT WE'VE HAD IN PLACE. IN OTHER WORDS THAT WE WOULD CONTINUE TO PAY OFF ABOUT ONE THIRD OF OUR PRINCIPAL IN THE FIRST FIVE YEARS AND ABOUT TWO-THIRDS IN THE FIRST 10 YEARS. WE DETERMINED THAT THE -- THE BENCHMARK THAT WE HAVE ACHIEVED NOW WHERE -- WHERE WE'RE DESCRIBED AS PAYING OFF AT A FAIRLY BRISK RATE BY MOODY'S, THEIR DEBT AMORTIZATION IS FAIRLY RAPID BY STANDARD AND POOR'S, THAT WE WOULD CONTINUE TO MAINTAIN THAT UNDER THAT BOND SCENARIO.

ALL OTHER POLICY GUIDELINES WOULD BE MAINTAINED IN THE \$600 MILLION SCENARIO?

OUR RATIOS WOULD GO UP AGAIN TO WHAT WE SHOWED.

OUR DEBT PER CAPITA, PUT THOSE --

I JUST WANTED TO MAKE SURE BECAUSE I DIDN'T MENTION ALL OF THEM, ANY OTHERS THAT YOU MIGHT HAVE.

SURE. THIS AGAIN COMPARES US TO THE MOODY'S MEDIAN. YOU CAN SEE WHERE WE WOULD END UP, THOSE 30 CITIES THAT THEY SURVEYED, THE MEDIAN IS 1251. UNDER OUR 3-CENT SCENARIO, WE WOULD END UP AT 1384. SOMEWHAT ABOVE THAT MEDIAN. UNDER OUR TWO CENT SCENARIO WE REALLY COULD IN PRETTY MUCH RIGHT AT -- AT THE MEDIAN AT 1260.

AND AGAIN THIS MIGHT BE PARTIALLY COMPENSATED FOR BY THE -- BY THE FACTOR OF THE COUNCIL -- THAT COUNCILMEMBER MCCRACKEN TALKED ABOUT AND I WILL BE INTERESTED TO SEE WHAT YOU COME UP WITH ON THAT FIGURE.

THAT'S CORRECT. WE WILL GET THAT INFORMATION TO YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLYING.

I THINK IF YOU LOOK BACK ON PAGE 9 WHEN YOU ARE COMPARING TO OTHER TEXAS CITIES, THIS GETS TO BE MY CONCERN WITH THE NET DEBT PER CAPITA. IF WE PUSH THAT UP TO 1384, IT REALLY DOES PUT US A GOOD BIT OUT OF BALANCE WITH CITY'S LIKE -- CITIES LIKE DALLAS/FORT WORTH AND I THINK THAT BEGINS TO PUSH THAT ENVELOPE AS FAR AS THERE BEING -- THERE BEING CONCERN ABOUT OUR BEING PRUDENT ON ISSUES. THAT'S ONE ISSUE. THE OTHER THING THOUGH IS THAT IN REALITY WE ARE VERY RARELY ABLE TO ISSUE ALL OF OUR DEBT IN SIX YEARS. AND SO THE MORE DEBT THAT YOU HAVE, I DON'T BELIEVE -- I DON'T KNOW, MR. STEPHENS, YOU WILL HAVE TO CHECK, I DON'T KNOW HOW MANY TIMES WE MAY HAVE BEEN ABLE TO DO IT. I'M TRYING TO THINK. I DON'T KNOW THAT WE EVER HAVE. I THINK 615 MILLION. IT REALLY IS GOING TO BE TURNING INTO A -- FOR AN EIGHT YEAR BOND PACKAGE AND -- AND JUST BECAUSE OF THE CYCLES IN THE ECONOMY, SO THAT WOULD BE MY CONCERN. I CERTAINLY THINK WE CAN BE VERY COMFORTABLE GOING TO 525 OR 5 -- 530. I GET A LITTLE BIT UNCOMFORTABLE BECAUSE IT SENDS A

MESSAGE THAT WE DON'T LIKE TO SEND TO THE RATING AGENCIES. THAT I MY EXPERIENCE. GRANTED I THINK WE COULD DO IT IF WE WANTED TO TAKE THAT RISK. BUT THAT'S A DECISION -- CERTAINLY WE COULD HAVE AN 8 YEAR BOND PACKAGE. THERE'S NOTHING THAT SAYS WE HAVE TO DO SIX YEARS, EXCEPT THAT'S OUR GUIDANCE POLICIES.

GUIDELINES SNIOWPG .

Dunkerly: THAT'S MY CONCERN. IF YOU LAY THAT 1384 ON PAGE NINE, IT REALLY JUMPS OUT AT YOU.

Mayor Wynn: COUNCILMEMBERS, FURTHER COMMENTS, QUESTIONS? SHOULD WE HAVE OUR DISCUSSION ABOUT THE BOND CALENDAR IN AN OUTLINE --

COUNCIL, YOU HAVE A YELLOW SHEET IN FRONT OF YOU THAT MAKES UP THE BACKUP FOR I GETS IT'S 46. -- I GUESS IT'S 46. LEAVING YOU SOME MARGIN OF ERROR FOR INDEPENDENT COUNSEL KENNETH STARR 2nd -- FOR MARCH 2nd AND MARCH 9, CHARTER AMENDMENT, BALLOT LANGUAGE. THESE ARE THE PROPOSED DATES THAT WE HAVE. THAT WILL GET YOU WHAT WE THINK WILL -- WILL GET TO YOU A CONCLUSION THAT THIS COUNCIL SETTING, CALLING THE ELECTION, SETTING THE BALLOT LANGUAGE. ALSO GIVES YOU TWO PUBLIC HEARINGS AND LEAVES YOU TWO COUNCIL MEETINGS WHICH KIND OF BECOME YOUR MARGIN OF ERROR, YOUR FLEXIBILITY TIME.

Mayor Wnn: SO LOOKING AT THIS, IT SEEMS TO ME THAT EVEN THOUGH THE DECISION WAS MADE LAST WEEK, WHENEVER IT WAS, THAT PUSHES THE ELECTION BACK TO NOVEMBER, THERE'S STILL NOT A LOT OF TIME TO DALI BECAUSE THERE'S LOT -- TO DALLY BECAUSE THERE'S LOTS OF ISSUES THAT WE NIETO DEBATE FORMALLY -- THAT WE NEED TO DEBATE FORMALLY. THIS ALLOWS THIS COUNCIL TO CALL THE ELECTION, NOTING THAT WE WILL BE IN SESSION ESSENTIALLY THE ENTIRE MONTH OF AUGUST AS WE DO OUR BUDGET WORK AND PUBLIC HEARINGS AND SO SHOULD THE -- TO THE EXTENT THAT A NEW COUNCIL WANTS TO AMEND ANYTHING OR HAVE THAT DISCUSSION, THERE WILL BE THAT MONTH FOR THEM TO DO THAT. BUT OF COURSE THIS COUNCIL HAVING HAD A LOT OF -- A LOT OF

BACKGROUND AND DEBATE ABOUT AND WORK WITH THE CITIZEN ADVISORY COMMITTEE ON THIS ELECTION, THIS SCHEDULE IF WE START NOW SHOWS THIS WILL NEED TO GET THROUGH IT, WILL ALLOW US THE ABILITY TO -- TO MAKE THAT FINAL DECISION HERE. AGAIN NOTING THAT IT WOULD BE THE CHANGED AT ANY TIME BY THE NEXT COUNCIL. COMMENTS, QUESTIONS? ABOUT THE PROPOSED BOND CALENDAR?

Mayor Wynn: SEEMS RELATIVELY STRAIGHTFORWARD. THE ONLY DEBATES MIGHT BE THE SEQUENCING OF THE MAJOR CATEGORIES, TRANSPORTATION, DRAINAGE, FACILITIES, OPEN SPACE HOUSING. THE CITY MANAGER POINTED OUT, EARLY MARCH WE WILL BE SPENDING THOSE TWO MEETINGS, THE 2nd AND THE 9th LIKELY HAVING SIGNIFICANT DISCUSSIONS ABOUT POTENTIAL POTENTIAL CHARTER AMENDMENTS AND THEIR CORRESPONDING BALLOT LANGUAGE. SO THIS SKIPS THOSE TWO MEETINGS, EARLY MEETINGS IN MARCH. I WILL JUST SAY LOOKING AT THIS, I APPRECIATE THIS IT ALLOWS ME TO VISUAL VISUALIZE, YOU KNOW, THE WORK AND THE STRUCTURE THAT WE ARE GOING TO NEED TO KEEP IN PLACE IN ORDER TO BE ABLE TO ACT PRIOR TO -- TO MEMORIAL DAY. I GUESS TECHNICALLY WE ARE NOT POSTED FOR ACTION ON THIS. THIS IS A SUGGESTED SCHEDULE. UNLESS THE CITY MANAGER HEARS A STRONG OBJECTION.

Futrell: ACTUALLY YOU ARE POSTED FOR ACTION ON IT. BUT -
-

Mayor Wynn: AS AN ADDENDUM.

Futrell: YES, I THINK, 46 GREG? IT'S 46.

Mayor Wynn: WITH THAT IN MIND, I WOULD ENTERTAIN QUESTIONS COMMENTS OR A MOTION REGARDING THE -- THE PROPOSED '06 ABOVE CALENDAR. BOND CALENDAR. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WILL MOVE APPROVAL OF THE CALENDAR LAID OUT IN THE YELLOW ATTACHMENT, I DON'T KNOW HOW TO PUT IT. ITEM NO. 46.

MOTION MADE BY COUNCILMEMBER LEFFINGWELL AND
SECONDED BY COUNCILMEMBER MCCrackEN TO ADOPT
THE PROPOSED '06 BOND CALENDAR SCHEDULE THAT'S ON
OUR DAIS HERE IN YELLOW. PART OF THE BACKUP FOR ITEM
46. COMMENTS? AGAIN I THINK -- AS -- AT FIRST IT SEEMS
SOMEWHAT LUXURIANT THAT WE PUSH IT BACK FROM MAY
TO NOVEMBER. I THINK WHEN LOOKING AT THIS CALENDAR
IT SEEMS THERE'S NOT THAT MUCH LUXURY OF TIME.
THERE'S GOING TO BE A LOT OF WORK IF IN FACT WE ARE
GOING TO TAKE THE TIME TO HAVE THESE FULL BRIEFINGS
AND DISCUSSIONS, YOU KNOW, BUILDING ON THE BRIEFINGS
AND DISCUSSIONS OF THE CITIZEN ADVISORY COMMITTEE
HAD ON THESE MAJOR COMPONENTS OF A BOND PACKAGE,
PARTICULARLY IF WE CAN COME TO AN AGREEMENT AS TO
THE SIZE OF THE PAMG. PACKAGE. AGAIN -- I WILL BE VERY
SUPPORTIVE OF THIS COUNCIL, WILL WORK WITH THE
COUNCIL AND THE MANAGER'S OFFICE TO KEEP US ON
TRACK. FURTHER COMMENTS? HEARING NONE, ALL THOSE
IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.
COUNCIL, PERHAPS BEFORE WE HOP A LITTLE BIT LATE TO
THE ZONING CASES, EARLIER IN EXECUTIVE SESSION WE
HAD OUR -- AS PURSUANT TO STATE LAW, WE HAD OUR
CLOSED SESSION DISCUSSION ON PERSONNEL MATTERS
RELATED SPECIFICALLY TO THE PERFORMANCE
EVALUATION AND THE COMPENSATION PACKAGE FOR OUR
CITY MANAGER. I WOULD LIKE TO JUST LEAD OFF THE
DISCUSSION, IF I COULD, BY -- BY STATING THAT I THINK
THERE'S BROAD CONSENSUS ON THIS -- ON THIS DAIS AND I
THINK IN THE COMMUNITY ABOUT -- ABOUT A VERY GOOD
YEAR THAT WE'VE HAD HERE IN AUSTIN. AND -- AND FOR --
FOR A GOOD -- ALTHOUGH VERY CHALLENGING YEARS THAT
WE HAVE HAD WORKING WITH THIS PARTICULAR CITY
MANAGER. WHO CAME ON BOARD IN '02 JUST IN TIME FOR US
TO REALIZE THAT WE WERE IN SIGNIFICANT ECONOMIC
DOWNTURN. AS WE WORKED AS A COUNCIL SUPPORTING
HER REORGANIZATION, FINANCIALLY AND OTHERS OF THE
CITY ORGANIZATION, I THINK THAT WE HAVE -- THAT WE
HAVE BEGUN TO COME OUT OF OUR DOWNTURN IN VERY
GOOD STEAD. I WILL OPEN THIS UP TO SOME COMMENTS OF

OUR COUNCILMEMBERS BUT I BELIEVE THERE'S -- THERE'S AGREEMENT ON -- ON A COMPENSATION PACKAGE THAT WE WILL OUTLINE HERE IN A SECOND IN THE FORM OF A MOTION, TECHNICALLY A -- A RESOLUTION. I THINK THIS HAS BEEN A VERY GOOD FOUR YEARS FOR THIS CITY, WE HAVE COME OUT OF THE DOWNTURN, WITH A LEANER MORE EFFICIENT ORGANIZATION THAN WE HAVE BEEN IN MY MEMORY. CERTAINLY LEANER, MORE EFFICIENT THAN WE WERE IN '01 OR SO GOING INTO OUR DOWNTURN. THE LOCAL ECONOMY ON ALL -- MOST MEASURES HAS CLEARLY REBOUNDED. THERE'S A LOT OF WORK THAT THE CITY STAFF AND ORGANIZATION ARE HAVING TO ACCOMPLISH RIGHT NOW. EVERYTHING FROM THE BUILDING PERMITS TO THE -- TO THE BROADER POLICY ACTIVITY GOING ON ALL ACROSS THIS CITY AND ACROSS THIS REGION ARE VERY DEMANDING OF THIS ORGANIZATION. AND THE CITY MANAGER'S PROFESSIONALISM AND HER COMPETENCE AND INGENUITY IN RESTRUCTURING AND FORMATTING THIS ORGANIZATION HAS I THINK ALLOWED US TO DO AS MUCH AS WE ARE DOING RIGHT NOW WITH IN MANY WAYS FEWER RESOURCES THAN WE HAD EVEN FIVE YEARS AGO. SO ON A PERSONAL NOTE, I WILL SAY THAT I'M VERY PROUD TO BE SERVING WITH THE CITY MANAGER. SHE MAKES MY JOB FAR EASIER IN MY OPINION. AND SHE HAS THE EXECUTIVE TEAM IN PLACE AND A STRUCTURE AND A PHILOSOPHY IN PLACE IN THAT OFFICE THAT ALLOWS ME TO DO THE BEST JOB THAT I CAN DO FOR THE CITIZENS AS MAYOR. I THINK SHE COMPLEMENTS THIS COUNCIL VERY WELL. WITH THAT I WILL OPEN IT UP FOR COMMENTS OR A MOTION ON THE RESOLUTION. COUNCILMEMBER KIM?

Kim: I WOULD LIKE TO NOTE THAT THERE ARE MANY THINGS TO NOTE AS FAR AS THE CITY MANAGER, TOBY FUTRELL AND HER ACCOMPLISHMENTS FOR OUR CITY. WE ARE ALL VERY GRATEFUL FOR WHAT SHE'S BEEN ABLE TO ACCOMPLISH, ESSENTIALLY DURING THE TOUGH TIMES. PARTICULARLY NOTEWORTHY IS HER GOOD FINANCIAL MANAGEMENT OF THE CITY, OF HAVING A GOOD FUND BALANCE, STRUCTURAL BALANCE, POSITIVE VERY STRONG BOND RATINGS. SO I WANT TO THANK HER AND HER STAFF, ESPECIALLY FOR ALL OF THE HARD WORK THEY DO TO MAKE SURE THAT WE ARE IN A GOOD FINANCIAL POSITION.

THE COUNCILMEMBER DUNKERLY.

Dunkerly: MY THANKS TO THE CITY MANAGER AND HER LEADERSHIP OF ALL OF THE STAFF. I THINK SHE THE STAFF AND THE MAYOR REALLY WERE SHINING STARS DURING OUR KATRINA RELIEF. CERTAINLY THEY CONTINUE TO BE INVOLVED WITH THAT. SO THANK YOU AGAIN FOR ALL OF THE HARD WORK AND DO YOU MAKE ALL OF OUR LIVES AND JOBS EASIER, SO THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. REALLY JUST WANT TO SAY THANK YOU TO MADAM CITY MANAGER FOR HER HARD WORK THROUGHOUT THE LAST FOUR YEARS AND I DON'T KNOW IF EVERYONE REALIZES THAT SHE HASN'T RECEIVED A RAISE FROM THE COUNCIL SINCE SHE WAS APPOINTED CITY MANAGER SO THIS WILL BE THE FIRST TIME ACTUALLY THAT WE WILL BE GIVEN -- GIVING A RAISE TO HER BASE WAGE SINCE SHE WAS APPOINTED. YOU ALL KNOW THAT WE'VE HAD THREE VERY TOUGH BUDGET YEARS. THE LAST YEAR WASN'T TOUGH BUT WE WERE AT LEAST DEBATING WHAT THINGS TO ADD BACK VERSUS WHAT THINGS TO CUT. SO RELATIVELY SPEAKING IT WASN'T AS BAD. BUT AS SOON AS THAT PROCESS WAS DONE, THEN THE -- ACTUALLY AS THAT PROCESS WAS GOING ON, THE KATRINA AND RITA EFFORTS BEGAN, SO -- SO THAT IN AND OF ITSELF REPRESENTED A CHALLENGE UNLIKE WE HAVE EVER SEEN AND THIS -- IN THIS COMMUNITY AND OBVIOUSLY MANY COMMUNITIES AROUND THE COUNTRY HAVE EVER -- HAVE EVER SEEN OR HAD TO DEAL WITH AND -- AND I WANT TO COMMEND HER AND HER STAFF AND OUR MAYOR FOR THEIR LEADERSHIP AND PARTICIPATION IN THAT. BECAUSE TO BE ABLE TO MANAGE OUR FINANCIAL SITUATION AND ALL OF THE MOVING PARTS, THAT ARE -- THAT ARE PART OF AN ORGANIZATION THIS SIZE, THE NUMBER OF DEPARTMENTS, THE NUMBER OF EMPLOYEES, ALL OF THE VARIOUS ENTERPRISES THAT ARE MANAGED, ALL TAKES ITS VERY SPECIFIC KINDS OF EXPERTISE AND ON TOP OF THAT YOU HAVE SEVEN -- SEVEN "BOSSSES" I GUESS, ALL OF WHOM HAVE 10, 20 OR MORE PET PROJECTS OF THEIR OWN. IN ADDITION TO ALL OF THE VERY EXCITING PLANNING ACTIVITIES THAT ARE GOING ON IN TERMS OF

DEVELOPMENT AND REDEVELOPMENT IN OUR COMMUNITY AND SO IT'S -- AGAIN IT'S A -- ONE OF THOSE THINGS THAT IT'S DIFFICULT TO -- TO FATHOM EVERYTHING THAT THE CITY UNDERTAKES ON A DAILY BASIS AND I THINK THE FACT THAT WE CAN FOCUS ON PLANNING AND -- AND THE FUTURE, I THINK, IS A -- IS BECAUSE WE -- WE HAVE FAITH IN -- IN TOBY, MADAM CITY MANAGER'S ABILITY TO MANAGE THE DAY TO DAY OPERATIONS AND SURELY TO -- TO PROVIDE OUR INPUT AS WE -- AS WE SEE THINGS THAT NEED IMPROVEMENT AND TO SEE HER RESPOND, YOU KNOW, WHEN -- WHEN CHANGES NEED TO BE MADE. SO I REALLY APPRECIATE THAT APPROACH, VERY RESPONSIVE APPROACH AND VERY DELIBERATIVE, COLLABORATIVE APPROACH. AS ONE OF THE VISION AND VALUES SAYS VERY GUTSY APPROACH THAT'S ACTUALLY IN HER PERFORMANCE ASSESSMENT REPORT WHICH IS VERY IMPRESSIVE DOCUMENT, FOLKS WHO MAY WANT TO ACTUALLY GET A HANDLE ON WHAT'S HAPPENED OVER THE LAST YEAR OR SO. IT'S KIND OF AMAZING TO SEE IT IN A COMPENDIUM SUCH AS THAT. ANYWAY THANKS TOBY FOR YOUR HARD WORK AND YOUR PATIENCE WITH ALL OF US AND I LOOK FORWARD TO WORKING WITH YOU STILL GOING FORWARD. APPRECIATE IT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: [INDISCERNIBLE] POINTED OUT THAT THE CITY MANAGER HADN'T RECEIVED A PAY RAISE IN THE LAST FEW YEARS WHEN OTHER EMPLOYEES WERE AND SHE'S FOREGONE THAT. AND LAST FALL WE BEGAN WHAT'S CALLED THE MARKET STUDY. WE LOOKED IN THE PACKAGE THAT IS IN THE RESOLUTION NOW, WE BELIEVE REFLECTS A MARKET STUDY FOR THE CITY MANAGER. WHEN COMPARED TO OTHER CITIES AROUND TEXAS, WITH EQUIVALENT -- OF EQUIVALENT SIZE AND BUDGET. CONSIDERING THAT AUSTIN HAS A CONSIDERABLE BUDGET WITH THE UTILITIES, AIRPORT, ET CETERA. THAT -- THAT IT OWNS. SO I THINK THAT IT'S A FAIR PAM, VERY WELL DESERVED.

Mayor Wynn: THANK YOU, COUNCILMEMBER MCCracken?

McCracken: THE TRUEST TEST OF HOW EFFECTIVE A GOVERNMENT IS, HOW EFFECTIVE ITS LEADERSHIP IS IS WHEN YOU HAVE A CRISIS. WHAT WE DISCOVERED LAST

YEAR WAS WHEN THE KATRINA RELIEF EFFORT BEGAN, A LOT OF GOVERNMENT LEVELS AROUND THE COUNTRY IS THAT SOME WERE AMAZINGLY UNPREPARED. SOME IN THAT MOMENT OF CRISIS REALLY STEPPED FORWARD AND PERFORMED IN AN INCREDIBLE LEVEL OF COMPETENCY AND REALLY NOBODY SHOWED -- DID A BETTER JOB IN AUSTIN, I REMEMBER KATY COURIC IN THE COUNTRY WAS THE WORD WAS AUSTIN HAD THE BEST RELIEF EFFORT IN THE COUNTRY. THAT'S AN EXTREMELY HIGH LEVEL OF CONFIDENCE, AMAZING LEVEL OF DEDICATION AND THE CITY EMPLOYEES WHO CAME AND VOLUNTEERED ON LABOR DAY WEEKEND REMEMBER, CAME AND VOLUNTEERED. BUT ALSO MAINLY REFLECTIVE OF SOME INCREDIBLE LEADERSHIP BY OUR GREAT CHIEF EXECUTIVE OFFICER AND CITY MANAGER. AS WELL AS OUR MAYOR. WE REALLY SHOWN WHERE A LOT OF GOVERNMENTS FAILED. BUT WE HAVE A FISCALLY RESPONSIBLE, THE LOWEST TAX RATE OF ANY BIG CITY IN THE STATE, BEST BOND RATING IN THE STATE. DURING THE FISCAL DOWNTURN IN THE LAST FOUR YEARS, WE NEVER TOUCHED OUR RAINY DAY FUND WHICH NO ONE ELSE CAN SAY. OPPORTUNITY AUSTIN'S 'S LEADERSHIP CAME FORWARD AND SAID THE CITY OF AUSTIN IS A GREAT CITY TO DO BUSINESS WITH. TOBY IS STILL GOING TO BE UNDERPAID WHEN WE PRESENT THIS SALARY INCREASE TODAY. STILL PAID LESS THAN THE CITY MANAGER OF SAN ANTONIO, STILL LESS THAN THE CITY MANAGER OF PLANO. WE WILL HAVE THE OPPORTUNITY TO LOOK AT FURTHER RECTIFYING THAT SHE JUST KEEPS REFUSES PAY RAISES, WE ARE STEPPING UP AND GIVING HER SOME PRIMARILY BECAUSE OF HER EXCELLENT EXCELLENT WORK WITH THE KATRINA RELIEF EFFORT AND FOR THE FACT THAT SHE WAS DEFINITELY UNDERPAID FOR IN MY OPINION ONE OF THE TWO OR THREE BEST CITY MANAGERS IN THE COUNTRY. I DON'T KNOW WHO THE OTHER TWO ARE.

Thomas: LET ME SAY TO THE CITY MANAGER, YOU HAVE TRULY DONE A GREAT JOB. KATRINA WAS ONE OF THE GREAT EFFORTS OF YOU AND THE MAYOR. BUT I THINK WAY BEFORE KATRINA THAT YOU HAVE SEEN AND PROVED THAT YOU ARE AN EXCELLENT MAYOR -- I MEAN CITY MANAGER [LAUGHTER] AND THAT YOU ARE -- THAT YOU ARE VERY SENSITIVE TO YOUR STAFF, EXECUTIVE STAFF, AND

EMPLOYEES AND WE HAVE TALKED MANY TIMES ABOUT EMPLOYEES, YOU ARE VERY SENSITIVE TO THAT AND YOU HAVE SHOWN THAT YOU CARE. IT IS A PRIVILEGE AND AN HONOR FOR ME TO SERVE WITH YOU AND I -- I'M LOOKING FORWARD TO -- TO CONTINUING TO SERVE BUT I'M READY TO PASS THIS MOTION IF THE MAYOR IS READY.

Mayor Wynn: THANK YOU. NEXT WE WILL TALK ABOUT PAY RAISE FOR THE MAYOR. [LAUGHTER] WE HAVE A RESOLUTION IN FRONT OF US, I WILL RACE MAYOR PRO TEM.

Thomas: I AM PROUD TO MAKE A MOTION TO -- TO APPROVE THIS COMPENSATION PACKAGE FOR OUR CITY MANAGER, TOBY HAMMOND FUTRELL.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM. THAT I'LL SECOND. AND AGAIN JUST THERE'S A NUMBER OF LINE ITEMS HERE TECHNICALLY, MOST OF THEM STAY THE SAME. SO JUST FOR THE RECORD I WILL READ INTO -- THOSE THAT ARE CHANGED. THEN OF COURSE THIS BECOMES -- BECOMES THE DEAL. THE SALARY INCREASE OF 36,387.18. EQUIVALENT TO 232,502.40 A YEAR, FOR RESTORING THE DEFERRED COMPENSATION OF 7500 A YEAR, AND EXECUTIVE ALLOWANCE STAYS THE SAME, CELL PHONE ALLOWANCE STAYS THE SAME. ESSENTIALLY THE REST REMAINS THE SAME EXCEPT THAT IN THE EVENT OF INVOLUNTARY SEPARATION, FORCED RESIGNATION OR CHANGE IN FORM OF GOVERNMENT BEFORE THE CITY MANAGER ACHIEVES 24 YEARS OF CREDIBLE SERVICE RETIREMENT PURPOSES, THE CITY WILL PURCHASE RETIREMENT SERVICE CREDITS IN THE AMOUNT SUFFICIENT TO BRING HER CREDITABLE SERVICE FOR A TOTAL OF 24 YEARS, EVEN THOUGH TECHNICALLY TOBY HAS BEEN WORKING FOR CITY OF AUSTIN NOW FOR ABOUT 29 YEARS, LONG STORY THERE. SO MOTION AND A SECOND ON THE TABLE TO APPROVE THIS COMPENSATION PACKAGE. AGAIN WITH THE ANNUAL SAL SALARY TO BE 232,502.40. YES?

[INDISCERNIBLE]

THANK YOU. THIS IS ITEM NO. 26. AS POSTED. THANK YOU VERY MUCH. FURTHER COMMENTS ON THE MOTION?

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.
CONGRATULATIONS, TO TOBY.

Futrell: THANKS. [APPLAUSE] [ONE MOMENT PLEASE FOR
CHANGE IN CAPTIONERS]

THESE ARE UNDER ZONINGS, HEARING AND APPROVAL OF ORDINANCES AND RIKTS. OUR FIRST ITEM OFFER FOR CONSENT IS ITEM NUMBER 38, WHICH IS CASE NPA-05-0016.02. THAT'S EAST FIFTH AND ALLEN STREET. THIS IS AN AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP IN THE JOHNSTON, GOVALLE AREA TO MIXED USE. AND THIS IS READY FOR FIRST READING. -- SECOND AND THIRD READING APPROVAL. ITEM NUMBER 39 IS CASE C-14--085-0123, AGAIN, FOR THE EAST FIFTH AND ALLEN STREET AREA. THIS IS A REZONING REQUEST AT 3304 EAST FIFTH STREET FROM COMMUNITY COMMERCIAL NEIGHBORHOOD PLAN COMBINING DISTRICT OR GRNP ZONING TO COMMUNITY COMMERCIAL MIXED USE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. ITEM ITEM NUMBER 40 IS CASE C 814-90-0003.13, HARRIS BRANCH PUD, AMENDMENT NUMBER 13, LOCATED AT 1375 U.S. HIGHWAY 290 EAST. THIS IS A POSTPONED TO MARCH NINTH. ITEM NUMBER 41 IS CASE NP-05-0020, PLEASANT HILL SUBDISTRICT, TRACT NUMBER 30. THIS IS FOR A PROPERTY THAT'S LOCATED AT 103 RED BIRD LANE AND 0 RED BIRD LANE. THIS IS ALSO RELATED TO ITEM NUMBER 42, WHICH IS ZONING CASE C-14-05-0106, WEST CONGRESS NEIGHBORHOOD PLANNING REZONING AREA, PLEASANT HILL SUBDISTRICT, TRACT 30, FOR THAT SAME ADDRESS, THE NEIGHBORHOOD HAS REQUESTED A POSTPONEMENT REQUEST, WHICH WOULD BE THE FIRST REQUEST. THIS WOULD BE A MARCH SECOND. IT'S MY UNDERSTANDING THE PROPERTY OWNER WOULD NOT OBJECT TO THIS POSTPONEMENT TO MARCH SECOND. AND THAT WOULD CONCLUDE THIS PORTION OF THE ZONING CONSENT AND POSTPONEMENT ITEMS.

MR. GUERNSEY, 41 AND 42 ARE ESSENTIALLY LUMPED

TOGETHER, SO THEY BOTH WOULD BE POSTPONED TO MARCH SECOND, CORRECT?

THAT'S CORRECT. >>

Mayor Wynn: SO THEN COUNCIL, THE PROPOSED CONSENT AGENDA FOR THE ZONING CASES WHERE WE'VE ALREADY HELD AND CLOSED THE PUBLIC HEARING WOULD BE TO APPROVE ON SECOND AND THIRD READING ITEM 38 AND 39, TO POSTPONE ITEM 40 TO MARCH 9TH, 2006. AND TO POSTPONE ITEMS 41 AND 42 TO MARCH 2nd, 2006. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HIRING HEARING. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. GUERNSEY.

THANK YOU. GOING ON TO THE ZONING AND NEIGHBORHOOD PLAN AMENDMENT HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THE FIRST ONE I WILL OFFER FOR CONSENT IS ITEM Z-1, PARMER/290 LOCATED AT U.S. HIGHWAY 290 EAST AT EAST PARMER LANE. THIS IS A REZONING REQUEST FROM DEVELOPMENT RESERVE OR DR ZONING TO COMMERCIAL HIGHWAY OR CH DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT COMMERCIAL HIGHWAY CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THIS IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-2 IS THE PROPERTY LOCATED AT 2610 EAST SECOND STREET. THIS IS A REZONING REQUEST FROM LIMITED INDUSTRIAL SERVICES NEIGHBORHOOD PLAN OR LI-NP COMBINING DISTRICT ZONING TO FAMILY RESIDENCE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING, WHICH IS SF-3-NP ZONING. THE PLANNING COMMISSION DID RECOMMEND THE SF-3-NP ZONING AND THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NUMBER Z-3 IS ZONING CASE C-14-05-0206 FOR PROPERTY LOCATED AT 5100 COMMERCIAL PARK DRIVE. THIS IS A

ZONING REQUEST FROM INTERIM FAMILY RESIDENCE DISTRICT ZONING OR INTERIM SF-3 ZONING TO LIMITED INDUSTRIAL SERVICES CONDITIONAL OVERLAY COMBINING DISTRICT ZONING OR LI-CO ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE LIMITED INDUSTRIAL SERVICES CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. ITEM NUMBER Z-4, CASE C-14-
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Mayor Wynn: I'M SORRY, SO WHAT IS CASE 3 IS READY FOR?

FOR FIRST READING ONLY. SORRY, MAYOR. ITEM Z-4 IS CASE C-14-00-2062 2062 CCA 2 FOR PROPERTY LOCATED AT 807 EAST 11th STREET. STAFF IS RECOMMENDING POSTPONEMENT OF THIS ITEM TO MARCH 2nd TO FINALIZE SOME LEGAL DOCUMENTS. THIS ITEM IS ALSO RELATED TO ITEM Z-5 AND Z-6, Z-5 BEING THE PROPERTY LOCATED AT 811 EAST NINTH STREET AND 808 TO 818 EAST EIGHTH STREET AND STAFF IS ALSO RECOMMENDING A POSTPONEMENT OF THAT ITEM TO MARCH 2nd. AND ITEM Z-6 FOR THE PROPERTY LOCATED AT 900 TO ONE THOUSAND SAN MARCOS AND STAFF IS RECOMMENDING POSTPONEMENT AS THAT RELATED ITEM AS WELL TO MARCH 2nd. ITEM Z-7 IS C 814-05-0213, LOOP 1 AT U.S. 290 WEST PUD. THIS IS FOR THE PROPERTY LOCATED AT 5009 U.S. HIGHWAY 290 WEST, TRACT ONE, AND 4929 DRAIFS LANE AND 5,000 WEST SLAUGHTER LANE. THIS IS A REQUEST FROM GR DISTRICT ZONING AND RURAL RESIDENCE OR RR DISTRICT ZONING FOR TRACT ONE AND COMMUNITY COMMERCIAL CEEFERL OR GO-CO COMBINING DISTRICT ZONING FOR TRACT 2 TO PLANNED UNIT DEVELOPMENT FOR BOTH TRACTS 1 AND 2. THESE PROPERTIES ARE LOCATED IN THE BARTON SPRINGS ZONE, HAVE BEEN PROPOSED FOR A ZONING CHANGE. THE CHANGE WILL RESULT IN AN AMENDMENT TO THE APPLICATION OF CHAPTER 25-89, ARTICLE 12, OR THE SAVE OUR SPRINGS INITIATIVES TO THESE PROPERTIES. THE PLANNING COMMISSION DID RECOMMEND THE PLANNED UNIT DEVELOPMENT ZONING AS WELL AS THE ZONING AND PLATTING COMMISSION. STAFF IS OFFERING THIS FOR FIRST READING CONSENT APPROVAL AT THIS TIME. ITEM NUMBER Z-8 IS CASE C 814-05-0069, WATERS EDGE PUD LOCATED AT 1100 DOCTOR SCOTT DRIVE AT STATE HIGHWAY 71 EAST. THIS IS A ZONING REQUEST FROM INTERIM RURAL

RESIDENCE OR INTERIM RR TO PLANNED UNIT DEVELOPMENT DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT THE PLANNED UNIT DEVELOPMENT DISTRICT ZONING. THIS PARTICULAR CASE ORIGINALLY HAD REQUESTED A WAIVER FROM THE REGIONAL STORM WATER MANAGEMENT PROGRAM. THAT WAIVER REQUEST HAS BEEN WITHDRAWN. THERE'S ALSO SOME DISCUSSION GOING ON BETWEEN OUR FIRE DEPARTMENT AND THE PROPERTY OWNER OVER A PROPOSED FIRE DEPARTMENT SITE. I'M PLEASED TO SAY THAT WE HAVE TENTATIVE AGREEMENT ON THAT ISSUE PROVIDED THAT THE SQUARE FOOTAGE FOR COMMERCIAL, THE NUMBER OF DWELLING UNITS, REMAINS THE SAME, BUT THERE WOULD BE A SLIGHT INCREASE IN THE AMOUNT OF IMPERVIOUS COVER BY JUST UNDER TWO-TENTHS OF ONE PERCENT OR APPROXIMATELY 45,000 SQUARE FEET FOR A PROPOSED FIRE STATION SITE. THAT WOULD BE DISCUSSED. BEFORE IT WOULD COME BACK ON SECOND AND THIRD READING WE WOULD CLARIFY THAT. SO WITH THAT NOTATION, I WOULD OFFER THIS FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM Z-9, Z 10 AND Z 11 ARE RELATED. THESE ARE ALL RESTRICTIVE COVENANT TERMINATIONS. THIS IS Z-9 IS THE 37TH STREET OFFICE LOCATED AT 805 WEST 37TH STREET. THE PLANNING COMMISSION RECOMMENDATION WAS TO TERMINATE THE RESTRICTIVE COVENANT. AND THE SAME PROPERTY LOCATION AND RECOMMENDATIONS ALSO APPEAR ON Z-10 AND Z-11, Z-10 10 10. CASE Z-11 IS C 8 S-87-098, RCT FOR THAT SAME PROPERTY AT 805 WEST 37TH STREET. THE PLANNING COMMISSION RECOMMENDATION AGAIN IS TO TERMINATE THE RESTRICTIVE COVENANT. SO THOSE THREE WOULD BE OFFERED AS CONSENT TO TERMINATE THEIR RESPECTIVE RESTRICTIVE COVENANTS. ON ITEM Z-12 --

Leffingwell: MAYOR? I'D LIKE TO PULL ITEM Z-12 FOR DISCUSSION.

OKAY. I JUST WANT TO NOTE THAT WE HAVE A POSTPONEMENT REQUEST FROM THE NEIGHBORHOOD, THIS BEING THEIR FIRST REQUEST, STAFF IS ALSO REQUESTING A POSTPONEMENT OF THIS ITEM BECAUSE OF A LENGTHY DISCUSSION THAT OCCURRED AT PLANNING COMMISSION THE NIGHT BEFORE. WE UNDERSTAND THE PROPERTY

OWNER MIGHT WANT TO SPEAK TO THE POSTPONEMENT REQUEST, BUT GIVEN THE AMOUNT OF TESTIMONY, WE DO NOT HAVE MINUTES PREPARED FOR YOU FOR YOUR CONSIDERATION THIS EVENING. ITEM Z-13, THIS IS CASE C-14-05-0202, CROWN CASTLE, SPICEWOOD SPRINGS. THIS IS A REZONING REQUEST AT 4919 SPICEWOOD SPRINGS ROAD FROM A REZONING OF INTERIM FAMILY RESIDENCE OR ISF 3 DISTRICT ZONING TO AGAIN OFFICE DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT TOWNHOUSE CONDOMINIUM RESIDENCE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THIS WOULD BE READY FOR THREE READINGS THIS EVENING. I'D LIKE TO NOTE THAT THE APPLICANT IS AGREEABLE TO THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION. THE PROPOSAL IS TO INCREASE AN EXISTING CELL TOWER FROM AN EXISTING 85 FEET TO ALLOW THE ADDITION TO 100 FEET WITH A POSSIBILITY OF GOING TO 120 FEET WITH A CONDITIONAL USE PERMIT. IF COUNCIL DID CONSIDER THREE READ READINGS THIS EVENING, STAFF WOULD NOTE THAT THERE ARE THREE USES TO THE DEAL WITH GROUP HOME, RESIDENTIAL AND ONE DEALING WITH FAMILY HOME THAT WE ASK WOULD BE STRICKEN FROM THE ORDINANCE THAT'S ON THE DAIS. AND THE REASON FOR THIS IS THAT WE ARE ALLOWING SINGLE-FAMILY USES UNDER THE FAIR HOUSING ACT. WE WOULD ALSO HAVE THAT SAME COURTESY TO THE TWO GROUP HOME CLASSES AND THE FAMILY USE CLASS. I UNDERSTAND THERE ARE TWO PEOPLE THAT ARE SIGNED UP IN OPPOSITION TO THIS, BUT I'M NOT SURE IF THEY'RE STILL PRESENT, MAYOR. I DON'T KNOW IF THEY HAVE A PRESENTATION, AND I'M NOT SURE IF THE TWO PEOPLE OPPOSED ARE PRESENT.

Mayor Wynn: BUT OTHERWISE -- I'LL ASK FOR THAT IN A SECOND, BUT OTHERWISE YOU ARE PREPARED TO OFFER THIS ON CONSENT?

CONSENT WITH THOSE CHANGES I'VE JUST NOTED.

Mayor Wynn: OKAY. IT LOOKS LIKE PERHAPS MR. AND MRS. HERTZIG -- THEY'RE HERE? WE WILL CONDUCT A HEARING. ITEM 13 WILL BE A DISCUSSION ITEM.

THAT LEAVES ITEM Z-1 THROUGH Z-11 THAT COULD BE OFFERED ON CONSENT.

Leffingwell: I UNDERSTAND NOW THAT Z-12 IS FOR POSTPONEMENT, IS THAT CORRECT?

YES, I HAVE THE NEIGHBORHOOD'S FIRST REQUEST FOR POSTPONEMENT. THE CASE WAS CONSIDERED BY THE PLANNING COMMISSION TUESDAY NIGHT. THE CASE WENT VERY LATE. STAFF IS ALSO RECOMMENDING A POSTPONEMENT OF THIS CASE BECAUSE OF THE LENGTHY DISCUSSION, OUR MINUTES AREN'T PREPARED FOR YOU THIS EVENING. THEY DID FORWARD THIS ITEM AFTER TWO DIFFERENT MOTIONS FAILING, ONE FOR POSTPONEMENT AND ONE FOR CONDITIONAL APPROVAL. IT HAS BEEN FORWARDED TO YOU WITHOUT A RECOMMENDATION.

Leffingwell: IN THAT CASE I WOULD LIKE TO PUT IT BACK ON CONSENT FOR POSTPONEMENT. ITEM Z-12. AND ALSO JUST FOR CLARIFICATION ON Z-7, IS THAT -- DOES THAT INCLUDE THE CONDITIONS RECOMMENDED BY THE ENVIRONMENTAL BOARD?

THAT WOULD NOT INCLUDE THE CONDITIONS AS PROVIDED BY THE ENVIRONMENTAL BOARD. THERE'S ONE CONDITION THAT WAS ACTUALLY FOUND DEALING WITH -- USING A BIO REMEDIATION POND. AND AFTER DETERMINATION BY ACTUALLY STAFF AND S.O.S., IT WAS NOT FOUND TO BE REASONABLE TO PROVIDE ROOM ON THE PROPERTY TO FIT THAT FACILITY IN. SO THE PROPERTY OWNER DID AGREE TO LOOK INTO THAT. THEY DID. AS I UNDERSTAND, THERE HAVE BEEN OTHERS THAT HAVE LOOKED INTO IT AND THERE'S NOT PHYSICALLY ENOUGH ROOM TO FIT THAT FACILITY IN. THEY ARE PROVIDING ON THE PROPERTY, THOUGH -- THIS IS THE EXISTING WAL-MART FACILITY AT MOPAC AND 290 -- ADDITIONAL CAPTURE VOLUME IN THE PONDS TO CAPTURE AN ADDITIONAL HALF INCH OF RUNOFF AND ACTUALLY REDUCING THE AMOUNT OF IMPERVIOUS COVER THAT EXISTS TODAY ON THAT PROPERTY. AND THEY ARE LOOKING AT RAINWATER COLLECTION AS WELL.

Leffingwell: SO THIS IS APPROVED BY THE STAFF AND

THERE'S NO OBJECTION HEARD FROM THIS POINT FROM IT?

THAT'S RIGHT.

Leffingwell: WITHOUT THE BOWERY REMEDIATION POND.

THAT'S CORRECT.

Leffingwell: THANK YOU.

Mayor Wynn: SO THE RECOMMENDED POSTPONEMENT DATE ON Z-12 WAS?

THAT WOULD BE MARCH 2nd 2nd. AND YOU DID SAY PERHAPS THE APPLICANT OR THE AGENT WANTED TO BRIEFLY SPEAK TO --

SPEAK TO THE POSTPONEMENT REQUEST.

Mayor Wynn: WITHOUT OBJECTION, COUNCIL, IS MR. CUMMINGS OR MS. TUPES HERE? WOULD YOU CARE TO COME ADDRESS US? APPARENTLY YOU ALL HAVE A DIFFERENT ATTITUDE ABOUT THE POSTPONEMENT.

MY NAME IS STEWART SAMPLEY AND I'M WITH I'M THE ARCHITECT HERE TO REPRESENT THE OWNER HEED. THANK YOU FOR HEARING FROM US. THE OWNER OF THE PROPERTY PURCHASED THIS PROPERTY IN JULY OF LAST YEAR AND HAS BEEN CONSTANTLY WORKING WITH THE NEIGHBORHOOD AND DISCUSSING WITH THE NEIGHBORHOOD ABOUT THE REDEVELOPMENT OF 2100 PARKER LANE. IF YOU'RE FAMILIAR WITH THE PROPERTY, IT'S THE OLD JACK (INDISCERNIBLE) MANSION THAT IS JUST EAST OF I-35 IN SOUTH AUSTIN. I HAVE A LIST OF A BUNCH OF DATES, BUT I WON'T BOTHER YOU WITH A LOT OF THOSE, BUT WE WENT TO PLANNING COMMISSION ON TUESDAY NIGHT AND IT WAS LATE, AND THERE WAS SOME DISCUSSIONS, AND THE ACTION -- THE PLANNING COMMISSION CHOSE TO TAKE NO ACTION ON THIS, AND I THINK PART OF THE REASON WAS THERE -- I DON'T KNOW IF THERE WAS ENOUGH INFORMATION THAT WAS GIVEN. WE WERE HOPEFUL THAT WE PROVIDED ENOUGH. WHAT I WOULD ASK TODAY IS THAT YOU ALLOW US TO PRESENT

THIS CASE. IT'S A VERY COMPLICATED CASE IN TERMS OF THE EMOTIONS THAT THE NEIGHBORHOODS FEEL ABOUT THE SITE. SO I DON'T KNOW THE CITY CODE, BUT I DO KNOW THAT SINCE THE NEIGHBORHOOD -- THE NEIGHBORHOOD IS ASKING FOR A POSTPONEMENT, WE WOULD REQUEST THAT YOU ALLOW FOR SOME DISCUSSION. THAT WE ARE HERE AND THE NEIGHBORHOOD IS HERE AS WELL, AND THAT IF THE COUNCIL CHOOSES TO TAKE ACTION TODAY, THAT WOULD BE IN THE OWNER'S -- THE OWNER WOULD LIKE THAT, BUT WE WOULD UNDERSTAND THAT WE WOULD ALSO COME BACK AS WELL, BUT WE WOULD LIKE THE OPPORTUNITY FOR DISCUSSION AND FURTHER PRESENTATION TODAY.

Mayor Wynn: WE APPRECIATE YOU BEING HERE AND THUNDERSHOWER THOUGHTS. I WILL SAY THAT THE LONG-STANDING PRACTICE OF COUNCIL HAS TO ALWAYS GRANT ON THE FIRST REQUEST FROM EITHER SIDE, EITHER OWNER, DEVELOPER, AGENT AND/OR SOME OPPOSITION SIDE, LIKELY NEIGHBORS TO GRANT THAT REQUEST. AND BECAUSE THAT'S SUCH A STANDING TRADITION, MY INSTINCT IS THAT'S WHY NONE OF THE NEIGHBORS ARE HERE TODAY BECAUSE THEY'VE GOTTEN THEIR REQUEST FOR A POSTPONEMENT IN. AND SO EVEN THOUGH IN THEORY JUST A PRESENTATION SHOULD BE JUST THE FACTS AND NEUTRAL, IN MY OPINION, COUNCIL, IT WOULDN'T BE FAIR TO HAVE THE PRESENTATION WITHOUT HAVING THOSE FOLKS WHO ARE IN OPPOSITION HERE TO EVEN LISTEN TO THE PRESENTATION AND/OR CHALLENGE ASPECTS OF IT. SO WE APPRECIATE YOU BEING HERE, BUT THE CONSENT AGENDA AS RECOMMENDED IS FOR THE -- IS SIMPLY A POSTPONEMENT FOR ONE COUNCIL MEETING. WE'RE GETTING THIS BACK AT OUR NEXT POSSIBLE TIME, WHICH IS THURSDAY, MARCH 2E. >> 2nd.

THE NEIGHBORS ARE HERE, EVEN THOUGH THEY HAVE REQUESTED THIS. BECAUSE-- AND I UNDERSTAND THERE IS A LONG-STANDING TRADITION AND THE OWNER AND MYSELF WILL RESPECT THAT IF THAT'S WHAT THE COUNCIL CHOOSES TO DO.

Mayor Wynn: THANK YOU. SO COUNCIL, THE PROPOSED CONSENT AGENDA ON THE CONING SAIS WILL BE AS

FOLLOWS -- ZONING CASES WILL BE AS FOLLOWS, CASE Z-1, POSTPONE -- TO APPROVE ON ALL THREE READINGS. AND ON ALL OF THESE ITEMS WHERE WE AT LEAST TAKE ACTION FIRST AND/OR FIRST, SECOND AND THIRD READING, THIS WILL BE TO ALSO CLOSE THE PUBLIC HEARING. ZOO 1 TO APPROVE ON ALL THREE READINGS. Z 2 ON FIRST READING ONLY. Z 4, 5 AND 6 TO POSTPONE TO MARCH 2nd, 2006. TO APPROVE ON FIRST READING ONLY CASE Z-7 AND Z-8. ON CASES Z-9, Z-10 AND Z-11 TO TERMINATE THE RESTRICTIVE COVENANTS. AND TO POSTPONE CASE Z-12 TO MARCH 2nd, 2006. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HERE HERE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. GUERNSEY.

THANK YOU. THAT BRINGS IT BACK TO ITEM NUMBER Z-13. THIS IS CASE SCOARN-05-0202 FOR A PROPERTY LOCATED AT 4919 SPICEWOOD SPRINGS ROAD --

Mayor Wynn: I'M SORRY, I APOLOGIZE, MR. GUERNSEY. COUNCIL, WITHOUT HAVING TO RECONSIDER, I DID NOTE THAT THERE WAS ONE PERSON SIGNED UP ON Z-7, AND I APOLOGIZE. I DON'T SEE HER, BUT SUSAN MOFFETT HAD SIGNED UP ASKING TO SPEAK, BUT SHOWN AS NEUTRAL, THEREFORE IT DIDN'T FLAG AS SOMEBODY BEING IN OPPOSITION. I JUST WANT TO MAKE SURE THAT MS. MOFFETT -- THAT WE GET A CHANCE TO ACKNOWLEDGE THAT. AND OF COURSE, THIS WAS ONLY FIRST READING ON Z-7.

MAYOR, I SPOKE TO MS. MOFFETT AND SHE SAID IF THE ITEM WENT ON CONSENT, THEN SHE WOULD WITHHOLD HER COMMENTS. IT IS MY UNDERSTANDING THAT SHE HAS TRANSMITTED THOSE COMMENTS TO YOU ELECTRONICALLY AND SHE HAS GIVEN A COPY FOR THE FILE FOR A RECORD OF NOTICE.

Mayor Wynn: JUST FOR THE RECORD, ALTHOUGH WE HAVE TERMINATED THE RIKTS, A COUPLE OF FOLKS HAVE SIGNED UP, KEVIN HUNTER AND RACHEL KNOX, NOT WISHING TO

SPEAK, BUT IN BEHAVIOR OF THAT TERMINATION. THANK YOU, MR. GUERNSEY.

AGAIN, THE CASE NUMBER WE'RE TALKING ABOUT IS C-14-05-0202 FOR A PROPERTY LOCATED AT 4919 SPICEWOOD SPRINGS ROAD. THE APPLICANT IS CROWN CASTLE U.S.A. AND THIS IS A REZONING REQUEST FROM INTERIM SF-3, WHICH STANDS FOR INTERIM FAMILY RESIDENCE DISTRICT, TO GENERAL OFFICE OR G.O. ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED APPROVAL OF THIS FOR SF-6 ZONING, WITH THE ONLY PERMITTED NONRESIDENTIAL USE BEING A COMMUNICATIONS TOWER, A TELECOMMUNICATIONS TOWER, AND PERMITTED SINGLE-FAMILY USES. AND THIS WAS RECOMMENDED FOR APPROVAL. THE PROPERTY OWNER HAS AGREED TO THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION AND THE PROPOSED USE OF THE PROPERTY IS TO INCREASE THE HEIGHT OF A CELLULAR TOWER THAT CURRENTLY EXISTS ON THE PROPERTY. AND IT STANDS AT 85 FEET. THE ZONING WOULD ALLOW AN INCREASE IN THE HEIGHT UP TO 100 FEET OR AN ADDITIONAL 15 FEET OF HEIGHT FOR THE CELL TOWER. AND POSSIBLY TO AN ADDITIONAL HEIGHT OF 120 FEET IF THE PROPERTY OWNER WAS SUCCESSFUL IN GETTING A CONDITIONAL USE PERMIT APPROVED BY THE ZONING AND PLATTING COMMISSION. THE TRAFFIC IMPACT ANALYSIS WAS WAIVED ON THIS BECAUSE IT WOULD NOT GENERATE MORE THAN 2,000 TRIPS. THE SURROUNDING PROPERTY IN THE AREA CONSISTS MAINLY OF UNDEVELOPED LANDS THAT WOULD BE LOCATED TO THE NORTH, OFFICES TO THE SOUTH AND EAST, AND UNDEVELOPED LAND TO THE WEST. IT'S MY UNDERSTANDING THERE IS A HOME THAT'S PROBABLY LOCATED OFF THE THE EXHIBIT THAT YOU CURRENTLY ARE SEEING ON YOUR VIEWER, WHICH IS THE PROPERTY OWNER OPPOSED TO THE REQUEST. THE APPLICANT IS HERE TO SPEAK TO ANY ADDITIONAL QUESTIONS THAT YOU MAY HAVE. I WILL NOTE THAT IN THE BACKUP THERE'S A REFERENCE TO A BORD OF ADJUSTMENT WAIVER THAT WAS GRANTED FOR HEIGHT UP TO A HEIGHT OF 120 FEET BACK IN 1992. THAT WAIVER WAS -- THE VARIANCE WAS NOT UTILIZED BY THE PROPERTY OWNER AT THE TIME, SO THE WAIVER OR THE VARIANCE HAS LAPSED FOR LACK OF USE.

AND SO IT COULD NOT BE USED TODAY. AT THIS MOMENT I'LL PAUSE IF THERE ARE ANY QUESTIONS AND IF THERE ARE NONE, I'LL TURN IT OVER TO THE APPLICANT FOR HIS PRESENTATION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT, WE WILL CONDUCT OUR PUBLIC HEARING. WHAT WILL DO IS WE WILL SET THE CLOCK FOR FIVE MINUTES. WE HAVE A ONE TIME FIVE-MINUTE PRESENTATION BY THE APPLICANT, OWNER, AGENT, AND THEN WE HEAR FROM FOLKS WHO WILL BE SUPPORTIVE OF THE ZONING CASE, THOSE IN OPPOSITION AND THEN THE APPLICANT HAS A REBUTTAL.

THANK YOU, MR. MAYOR. COUNCILMEMBERS, MY NAME IS VINCE BEBINGER REPRESENTING CROWN CASTLE ON THIS. AS GREG WAS SAYING, IT WAS PERMITTED FOR 120 FEET BACK IN 1992, BUT THIS IS PRIOR TO THE TELECOM ORDINANCE. IT'S CURRENTLY ZONED SF-3, SO WE'RE BASICALLY TRYING TO FIX THE ZONING TO ALLOW AN ADDITIONAL CARRIER TO CO-LOCATE ON THE FACILITY. WE'RE AT A TIME WHEN TECHNOLOGY IS GROWING AT LEAPS AND BOUNDS. VERIZON AND ALL THE OTHER TOWER CARRIERS ARE TRYING TO KEEP UP WITH THE INFRASTRUCTURE. A NEW CARRIER IS WANTING TO CO-LOCATE ON THIS FACILITY. CINGULAR WIRELESS IS NOW ON THAT AND THE STRUCTURAL CAPACITY WON'T HOLD THAT. WHAT THEY'RE ASKING YOU TO DO IS EXTEND THIS TOWER TO ALLOW CO-LOCATION POSSIBILITIES, WHICH I THINK IS GOOD PLANNING AND GOOD EFFORT, PREVENTING OTHER FACILITIES FROM BEING BUILT IN THE AREA. IF YOU WOULD LOOK AROUND THIS IMMEDIATE AREA, WITHIN A FEW BLOCKS, EVERY CARRIER THAT IS CURRENTLY OPERATING IN THIS COUNTRY IS PRIET ON THAT AREA -- RIGHT ON THAT AREA BECAUSE OF THE TOPOGRAPHY AND THE EXISTING CAPACITY AND THE COVERAGE FOR THAT MAJOR INTERSECTION, THAT'S A MUCH NEEDED SITE. I BELIEVE THIS REQUEST IS REASONABLE. IT'S IT SURROUNDED ON THREE SIDES WITH OFFICE BUILDING AND IT'S JUST BASICALLY TO TRY TO PREVENT ADDITIONAL TOWERS TO BE LOCATED IN THERE. THERE'S ROOFTOP ANTENNAS AND A COUPLE OF OFFICE BUILDINGS AND STUFF CLOSE BY. IF YOU HAVE ANY

QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

Mayor Wynn: QUESTIONS, COUNCIL, COMMENTS? THANK YOU, SIR. TYPICALLY WE WOULD HEAR FROM FOLKS WHO ARE IN SUPPORT OF THE ZONING. WE HAVE NONE, WHICH IS NEITHER HERE NOR THERE. WE HAVE A COUPLE OF FOLKS SIGNED UP IN OPPOSITION. YES?

[INAUDIBLE - NO MIC].

Mayor Wynn: YES, YOU'RE IN OPPOSITION, THOUGH, CORRECT? SO NOW WE WILL HEAR FROM FOLKS WHO HAVE SIGNED UP IN OPPOSITION TO THE CASE, AND WE HAVE TWO FOLKS SIGNED UP, EVELYN AND LES HERZIG. PLEASE COME FORWARD. THAT'S OKAY, TAKE YOUR TIME. STAFF WILL HELP YOU WITH THAT. WELCOME. PLEASE STATE YOUR NAME FOR THE RECORD AND YOU WILL HAVE THREE MINUTES.

THANK YOU VERY MUCH, MR. MAYOR AND COUNCILMEMBERS. MY NAME IS LAZLO HER ZIG. AND I'D LIKE TO CLARIFY THAT I'M HERE TO ASK FOR A POSTPONEMENT OF THIS PUBLIC HEARING FOR THE FOLLOWING REASONS: RATHER THAN SPEAKING TO THE MERITS OF THIS CASE, I'D LIKE TO POINT OUT TWO ITEMS WHERE THIS APPLICATION IS NOT COMPLYING WITH THE CURRENT ZONING LAW. AND I'M SPECIFICALLY REFERRING TO LAND DEVELOPMENT CODE 25-2840, SECTION A AND B, AND SECTION D. THESE ARE UNFORTUNATELY HAVE BEEN OMITTED FROM YOUR MATERIAL, BUT I HAVE THEM FOR YOUR REFERENCE. THIS APPLICATION IS NOT FOR -- IS ACTUALLY FOR A NEW TOWER, AND THE CODE REQUIRES THE APPLICANT TO FILE AN AFFIDAVIT SHOWING THE NEED FOR THIS TOWER. THIS AFFIDAVIT -- AND I'M GOING TO READ THE CODE NOW TO BE EXACT. IT REQUIRES THE APPLICANT TO PROVE THE PUBLIC NEED FOR A TOWER. THEY HAVE TO CONDUCT A SEARCH IN THE AREA AND THEY HAVE TO SHOW WHY THERE HAS TO BE A TOWER. THERE ARE ACTUALLY TWO EXISTING TOWERS WITHIN A HALF MILE RADIUS OF THIS SUBJECT TOWER. THE ONE IS ON TOP OF AN EXISTING BUILDING, SO AS TO COMPLIMENT THE EXISTING -- IT'S NOT STANDING OUT IN THE SKY. AND THE OTHER ONE IS A HALF A MILE AWAY. THE APPLICANT HAS FAILED TO PROVIDE THIS AFFIDAVIT. SECONDLY, THE DEPARTMENT OF DEVELOPMENT REVIEW,

PURSUANT TO CODE 840 SECTION D IS REQUIRED TO MAINTAIN A DATABASE OR A MAP OF ALL EXISTING TELECOMMUNICATIONS FACILITY. AT MY ASKING, THEY WERE UNABLE TO PRODUCE THIS MAP AND THE EXPLANATION WAS, WELL, WE COULDN'T FIND IT. THEN THEY REFERRED ME TO THE 10th FLOOR AND THEY ALSO SAID THAT THIS MAP IS NO LONGER MAINTAINED. SO COUNCILMEMBERS AND MR. MAYOR, WE NEED A EFFECTIVE PLANNING TOOL TO ASSESS THE NEED FOR THIS TOWER. I ALSO CONTACTED THE CITY MANAGER TO INVESTIGATE WHY THIS MAP IS NO LONGER MAINTAINED, WHICH WOULD BE CRUCIAL FOR DETERMINING WHETHER THE TOWER IS ACTUALLY REQUIRED. NOW BACK TO MY EXHIBIT. I KNOW MY TIME IS SHORT. YOU CAN SEE -- ALTHOUGH YOU CANNOT SEE THE LITTLE DOTS, BUT YOU CAN SEE VERY CLEARLY THAT -- YOU CAN TEAR DOWN THE EXISTING TOWER. THEREFORE WHAT THIS IS GOING TO BE IS A NEW TOWER OF 120 OR 100-FOOT HEIGHT AND THEREFORE THE SECTIONS THAT REQUIRE THE JUSTIFICATION FOR THE NEW TOWER TO BE BUILT APPLY. AGAIN, I KNOW THIS IS A CRR CONFRONTATIONAL SITUATION AND WE DO NOT MEAN TO BE CONFRONTATIONAL. WE TRIED TO TALK TO THE APPLICANT. UNFORTUNATELY, THEY HAVE NOT CONTACTED US OR OTHER COMMUNITY ORGANIZATIONS LIKE THE NORTHWEST AUSTIN NEIGHBORHOOD ASSOCIATION OR THE (INDISCERNIBLE) FOUNDATION. SO WE HAD TO PULL INFORMATION OUT OF THEM AND FIND OUT WHY THEY NEEDED THIS TOWER. SO AGAIN, I ASK YOU NOW TO ASK THE APPLICANT WHY DO YOU NEED THE TOWER AND HOW COULD THE TELECOMMUNICATION NOT BE SERVED BY OTHER EXISTING INFRASTRUCTURE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. AND DID EVELYN WISH TO ADDRESS US?

MR. MAYOR, I APOLOGIZE, I THOUGHT WE WERE DELAYED BECAUSE IT WAS THE 2:00 O'CLOCK AGENDA AND I TOLD HER TO WAIT. SHE'S ON HER WAY, IF THERE'S AN OPPORTUNITY TO SPEAK TO THIS, WE WOULD APPRECIATE IT. SHE HAS A MAP SHOWING THE OTHER TOWER LOCATIONS. PLEASE CONSIDER MY REQUEST FOR A POSTPONEMENT AND WE

WOULD TRULY APPRECIATE THAT.

Mayor Wynn: WE'LL CERTAINLY SHOW HER IN OPPOSITION AS WE CONTINUE THIS DISCUSSION. SO COUNCIL, THOSE ARE THE TWO FOLKS WHO HAVE SIGNED UP IN OPPOSITION. SO NOW WE TYPICALLY HAVE A ONE-TIME THREE MINUTE REBUTTAL FROM THE APPLICANT. WELCOME BACK.

THANK YOU, MR. MAYOR. MR. HERZOG IS CORRECT, THE ACTUAL INFORMATION THAT'S PROVIDED IS DURING THE NEXT PROCESS, HOWEVER. THE PROCESS WE'RE GOING THROUGH RIGHT NOW IS THE ZONING PROCESS THAT WOULD ALLOW JUST EVEN THE REMOVAL OF THE EXISTING TOWER AND THE REPLACEMENT OF THIS ONE. WE HAVE TO HAVE THE APPROPRIATE ZONING TO GET PAST THIS FIRST STEP. THAT INFORMATION ISN'T REQUIRED AT THIS LEVEL. THE NEXT LEVEL THAT WOULD BE REQUIRED -- AND WE ARE PLANNING ON SHOWING THE ACTUAL NEED, SEARCH, CO-LOCATION ABILITY, AND WE ARE IN SUPPORT OF THE CO-LOCATION OF THIS FACILITY TOO. SO THAT REALLY TAKES CARE OF THOSE TWO ISSUES. THANK YOU.

Mayor Wynn: THANK YOU, SIR. QUESTIONS, COMMENTS, COUNCIL? I GUESS I HAVE A QUESTION FOR MR. GUERNSEY OR SOMEBODY ELSE ON STAFF. EARLIER HE POINTED OUT A COUPLE OF ELEMENTS OF CODE IN REGARD TO THE ZONING CHANGE REQUIRED FOR THIS STRUCTURE. CAN YOU TALK TO THOSE POINTS? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... THEY ARE MORE REQUIREMENTS OF A TIME THAT ACTUALLY COMES IN TO TRY TO PROCESS THE APPROVAL FOR THE TOWER ITSELF. THERE IS ALSO A REFERENCE TO THE DIRECTOR SHALL MAINTAIN A MAP OF ALL TELECOMMUNICATIONS TOWERS LOCATED WITHIN THE PLANNING JURISDICTION. MR. GEORGE ZAPALAC IS HERE. HE HAS A COPY OF THE DATA BASE THAT HAS THAT INFORMATION. THAT TOO IS SOMETHING THAT'S NOT A REQUIREMENT FOR THE ZONING CASE. WHAT YOU HAVE BEFORE YOU IS THE REQUEST FOR REZONING FROM THE FAMILY RESIDENCE DISTRICT TO GENERAL OFFICE DISTRICT, WITH THE COMMISSION'S RECOMMENDATION FOR SF 6 WITH SEVERAL CONDITIONS. SO WHAT YOU HAVE BEFORE YOU TODAY IS A ZONING CHANGE REQUEST. AND THE ITEMS THAT HAVE BEEN BROUGHT TO YOUR ATTENTION. OUR

REQUIREMENTS -- ARE REQUIREMENTS OF THE CODE BUT NOT REQUIRED AT THE TIME OF REZONING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AND REMIND ME IF STAFF IS PREPARED FOR --

WE ARE PREPARED FOR THREE READINGS THIS EVENING, MAYOR. WITH THE NOTATION THAT THE -- THAT THE TWO GROUP HOME USES AND THE FAMILY HOME USE BE DELETED FROM THE LIST OF PROPER -- DELETED FROM THE LIST OF PROHIBITED USES BECAUSE OF THE FAIR HOUSING ACT.

THAT'S PROPERLY DOCUMENTED AND --

WELL, WITH THAT NOTATION, AND THAT BEING PART OF THE NOTATION, THAT WOULD BE CLEAR ENOUGH DIRECTION FOR THE LAW DEPARTMENT TO HAVE THOSE PARTICULAR ITEMS.

Mayor Wynn: QUESTIONS, COMMENTS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION ON Z-13. JUST TO CLARIFY FOR MY SAKE, MR. GUERNSEY, SO OBVIOUSLY WE HAVE THE -- THE ZONING AND PLATTING COMMISSION RECOMMENDATION TO GRANT THIS ZONING WITH CONDITIONS. THAT ALSO IS STAFF RECOMMENDATION?

YES. THE STAFF RECOMMENDATION WAS TO ACTUALLY GRANT LIMITED OFFICE ZONING, WHICH WOULD BE LESS RESTRICTIVE THAN WHAT THE ZONING AND PLATTING COMMISSION RECOMMENDATION. MY UNDERSTANDING IS THAT THE APPLICANT HAS ACTUALLY AGREED TO THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION AND WITH THOSE THREE USES THE FAMILY HOME, GROUP HOME, BOTH CLASS 1 GENERAL LIMITED BEING DELETED FROM THE PROHIBITED THE LIST, THE APPLICANT IS STILL AGREEABLE WITH THE ZONING AND PLATTING COMMISSION RECOMMENDATION OF SF 6 CO.

THANK YOU, MR. GUERNSEY. QUESTIONS, COMMENTS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION. AT LEAST TO CLOSE THE PUBLIC HEARING.

Alvarez: THIS CASE WAS ALREADY POSTPONED BEFORE, IS

THAT WHY WE ARE NOT HONORING THE POSTPONEMENT REQUEST?

Guernsey: I WAS NOT AWARE OF A POSTPONEMENT REQUEST UNTIL THIS EVENING WHEN THE GENTLEMAN ACTUALLY CAME FORWARD. IT'S MY UNDERSTANDING THIS IS HIS FIRST REQUEST. WE JUST DON'T HAVE ANYTHING WRITTEN.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: DOES THE PERSON REQUESTING THE POSTPONEMENT HAVE STANDING ACCORDING TO THE TRADITION OF GRANTING A POSTPONEMENT TO --

Guernsey: MY UNDERSTANDING IS THAT YOU HAVE HONORED POSTPONEMENTS FROM INDIVIDUALS AS WELL AS NEIGHBORHOOD ASSOCIATIONS, IT'S MY UNDERSTANDING THAT HE ALSO OWNS PROPERTY SOMEWHERE WITHIN 500 FEET OF THE PROPERTY. SO HE WOULD HAVE STANDING AS AN INTERESTED PARTY BY COMING FORWARD AND OWNING PROPERTY WITHIN 500 FEET.

Leffingwell: I MOVE POSTPONE TO MARCH 2nd.

Alvarez: I WILL SECOND THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER ALVAREZ TO POSTPONE THIS CASE, Z-13, TO -- TO THE NEXT COUNCIL MEETING, MARCH 2nd, 2006. FURTHER COMMENTS? MR. GUERNSEY.

Guernsey: I WANTED TO CLARIFY IS THE PUBLIC HEARING STILL OPEN.

Mayor Wynn: THAT WAS GOING TO TO BE MY QUESTION OR PERHAPS EVEN ASK STAFF WHAT WOULD BE THE RECOMMENDATION ON THIS?

Guernsey: YOU COULD LEAVE THE PUBLIC HEARING OPEN, I THINK THERE WAS ONE OTHER INDIVIDUAL THAT WAS NOT ABLE TO SPEAK.

Leffingwell: I --

Mayor Wynn: THE POINT IS THERE VERY WELL COULD BE OTHER ENTITIES, INDIVIDUAL OR ORGANIZATIONS THAT MIGHT TAKE AN INTEREST IN THIS DURING THIS POSTPONEMENT. SO MY SUGGESTION WOULD BE THAT WE -- THAT WE ESSENTIALLY NOT -- IN FACT WE JUST PONY THE CASE. WE CAN CONDUCT -- POSTPONE THE CASE AND PRODUCT THE FULL PUBLIC HEARING AT THE NEXT COUNCIL MEETING.

Leffingwell: THAT WAS MY MOTION. THERE WAS NO CLOSING THE PUBLIC HEARING.

Mayor Wynn: ALL RIGHT. FAIR ENOUGH. MOTION AND SECOND ON THE TABLE TO POSTPONE Z-13 TO MARCH 2nd, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCracken TEMPORARILY OFF THE DAIS.

Guernsey: THAT CONCLUDES OUR ZONING RELATED ITEMS THIS EVENING. EXCEPT FOR THE 6:00 HEARING.

Mayor Wynn: YES. SO WITH THAT AND KNOWING THAT WE DON'T HAVE ANY ADDITIONAL CLOSED SESSION CASES, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. WE WILL TAKE UP LIVE MUSIC AND PROCLAMATIONS AND THEN COME BACK SHORTLY THEREAFTER FOR OUR PUBLIC HEARINGS. WE ARE NOW IN RECESS, THANK YOU. FOLKS, WELCOME TO THE WEEKLY LIVE MUSIC GIG AT THE CITY COUNCIL. WE ARE PLEASED TO WELCOME THE U.T. CONCERT CHORALE, UNDER THE DIRECTION OF DR. SUZANNE PENC SUBCOMMITTEE. THEY ARE REPEATEDLY INVITED TO PERFORM AT KARNE CARNEGIE HALL IN NEW YORK. THE CONCERT CHORALE WILL PERFORM AT THE REGIONAL CONVENTION OF THE AMERICAN CHORALE DIRECTORS IN ST. LOUIS THIS MARCH. IT IS WITH GREAT PLEASURE THAT I INTRODUCE TO YOU THE U.T. CONCERT CHORALE. [APPLAUSE] [(music) SINGING

(music)(music)] [(music) SINGING (music)(music)]

Mayor Wynn: WOW, VERY BEAUTIFUL, DR. PENSE, TELL US HOW CAN FOLKS IN AUSTIN GET TO SEE THE U.T. CONCERT CHORALE.

LET ME COME TO THE MICROPHONE.

PLEASE.

I'M NOT USED TO NEEDING A MIC. WE HAVE CONCERTS AT THE UNIVERSITY OF TEXAS IN THE SCHOOL OF MUSIC AT BASS RECITAL HALL IN THE FALL AND ALSO IN THE SPRING. OUR SPRING CONCERT IS APRIL 9th AT 4:00. THE MAIN REASON THAT WE ARE INTERESTED IN APPROPRIATING -- IN PROMOTING OURSELVES, AS YOU MENTIONED EARLIER WE ARE SINGING AT THE SOUTHWEST REGIONAL CONVENTION OF THE AMERICAN CHORE RAL DIRECTOR'S ASSOCIATION IN ST. LOUIS IN MARCH, COMING UP THREE WEEKS FROM TODAY, EVERYBODY. WE ARE REALLY EXCITED ABOUT THAT HONOR. WE HAVE TO SUBMIT A CD, CHOSEN BY AUDITION TO PERFORM. WE HAVE A WEBSITE THAT BASICALLY IF YOU GO ON www.UTEXAZ.music--music.U Tex www.UTEXAZ.music--music.UTex as.EDU. WE ARE VERY MUCH INTERESTED IN ANYONE WANTING TO DONATE TO OUR CAUSE, LOOKING TO RAISING FUNDS FOR THE TRAVEL EXPENSES. THIS IS ACTUALLY ONLY HALF OF THE GROUP. SO YOU KNOW, WE HAVE ABOUT 44. DOUBLE THIS SIZE. WE ALSO TAKE A GROUP THAT SIZE TO SAN ANTONIO. COSTS A LOT OF MONEY. SO WE ARE LOOKING FOR DONATIONS AND YOU CAN FIND THAT ON THE WEBSITE.

Mayor Wynn: LOOKS LIKE HER E-MAIL ADDRESS, CONTACT INFORMATION IS HERE ON THE SCREEN. YOU ARE WELCOME TO PLEASE CONTACT THEM IF YOU WOULD LIKE TO HELP WITH THE TRIP. BUT ALL GET AWAY WE HAVE AN OFFICIAL PROCLAMATION THAT READS: BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, THEREFORE I WILL WYNN, MAYOR OF THE AUSTIN, DO

HEREBY PROCLAIM TODAY FEBRUARY 16th, 2006, AS U.T. CONCERT CHORALE DAY HERE IN AUSTIN. I CALL ON ALL CITIZENS TO JOHNNY JOIN ME IN RECOGNIZING THIS GREAT YOUNG TALENT. WHILE THEY HEAD OUT, WE WILL USE THIS PODIUM AND DO A COUPLE MORE PROCLAMATIONS. AGAIN WE TAKE THIS TIME EACH WEEK TO EITHER RECOGNIZE SOME GREAT EFFORTS OCCURRING AROUND TOWN, PROMOTE GOOD CAUSES AND IN THIS CASE TO THANK OUR MUNICIPAL OWNED ELECTRIC COMPANY AUSTIN ENERGY FOR ONCE AGAIN BEING THE SPONSORS FOR SCIENCE FESTIVAL 2006. SO WHAT I WOULD LIKE TO DO IS I WILL READ THE PROCLAMATION, HAVE INGRID WEIGAND WITH AUSTIN ENERGY SAY A FEW WORDS ABOUT THE SCIENCE FAIR, HOW LARGE IT IS, IT'S A REMARKABLE VISUAL AND EXPERIENCE TO GO BY PARMER AND SEE THE YOUNG PEOPLE WITH THEIR SCIENCE EXHIBITS AND TALK ABOUT HOW AUSTIN ENERGY IS HELPING AND PROMOTING THE EVENT. SO THE PROCLAMATION READS: BE IT KNOWN WHEREAS SCIENCE FESTIVAL 2006 WILL SHOWCASE THE TALENT OF MORE THAN 3,000 PREK THROUGH HIGH SCHOOL STUDENTS FROM PUBLIC, HOME AND PRIVATE SCHOOLS THROUGHOUT THE AUSTIN AREA. WHEREAS SCIENCE FAIRS LIKE SCIENCE FESTIVAL 2006 HELP SPARK AN INTEREST IN CHILDREN TO PURSUE SCIENCE, MATH AND ENGINEERING CAREERS AND WHEREAS WE CONGRATULATE THE PARTICIPANTS, ESPECIALLY THOSE WINNING PROJECTS THAT WILL GO ON TO STATE, NATIONAL, INTERNATIONAL COMPETITIONS, WE THANK OUTSIDE ENERGY, OUR COMMUNITY OWNED ELECTRIC UTILITY FOR SPONSORING THIS EVENT NOW FOR THE 7th YEAR IN A ROW. THEREFORE I WILL WINN MAYOR OF THE CITY OF AUSTIN, TEXAS DO BY PROCLAIM AUSTIN ENERGY REGIONAL SCIENCE FESTIVAL IMAGINE THE POSSIBILITIES DAYS IN AUSTIN. I WOULD LIKE TO ASK I THINK GRID TO COME -- INGRID TO SAY A FEW WORDS. PLEASE JOIN ME FIRST IN THANKING HER AND ALL OF THE PROFESSIONALS AT AUSTIN ENERGY FOR THEIR SPONSORSHIP. THANK YOU.

THANK YOU VERY MUCH, MAYOR WILL WYNN. THIS IS THE 7th YEAR FOR AUSTIN ENERGY TO SPONSOR AND ORGANIZE THE AUSTIN ENERGY REGIONAL SCIENCE FEST. THE REGIONAL SCIENCE FEST IS ONE OF THE LARGEST IN TEXAS

BECAUSE WE PERMIT PRE-K THROUGH 12th GRADE STUDENTS TO PARTICIPATE. THIS YEAR ALONE WE HAVE OVER 3,000 ELEMENTARY STUDENTS PARTICIPATING. WE HAVE APPROXIMATELY 470 JUNIOR STUDENTS AND ABOUT 200 SENIOR STUDENTS ARE PARTICIPATING. THE JUNIOR AND SENIOR STUDENTS, AS THE MAYOR SAID, CAN GO ON TO STATE AND THE SENIOR STUDENTS TO THE INTERNATIONAL FAIR. IT'S A HUGE EVENT, WE ARE GOING TO START NEXT WEDNESDAY WITH THE JUNIORS AND SENIORS MOVING INTO PALMER AUDITORIUM. THEY WILL SET UP THEIR PROJECTS, BE JUDGED ON THURSDAY MORNING, AWARDS CEREMONY ON THURSDAY EVENING. THE PUBLIC IS INVITED TO COME TO PALMER AUDITORIUM AND VIEW THE PROJECT AND IT'S REALLY GOING TO BE WORTH YOUR WHILE. ON THURSDAY, FROM 4:30 TO 9:30 AND THEN ON SATURDAY YOU ARE INVITED TO COME AND VIEW THE ELEMENTARY PROJECTS FROM 2:00 TO 4:30. ALSO IF YOU HAVE SMALL CHILDREN ON SATURDAY, WE WILL HAVE EXPLORE SCIENCE DAY AT PALMER AUDITORIUM AND THERE WILL BE MANY ORGANIZATIONS AND AGENCIES THAT WILL DEMONSTRATE SCIENCE TO YOUNG KIDS. IT'S REALLY A FUN EVENT AND WE ARE VERY THANKFUL FOR THE CITY, FOR GIVING US PERMISSION AND HELPING US EVERY YEAR AND FOR THE MAYOR TO COME EVERY YEAR AND SHAKE EVERY SINGLE ELEMENTARY STUDENTS HAND. IT'S ABOUT 3,000. SO THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

Mayor Wynn: OUR FINAL PROCLAMATION ARE ACTUALLY CERTIFICATES OF CONGRATULATIONS, NORMALLY COUNCILMEMBER MCCRACKEN HANDLES THIS CHORE, I'M VERY PLEASED THAT HE LETS ME COVER FOR HIM TODAY. THESE ARE THE VOLUNTEERS OF THE MONTH FOR THE MONTHS OF JANUARY AND FEBRUARY. WE ARE GOING TO START WITH JANUARY, WE ARE STARTING WITH DEAN DEAMONT. BUT WE ARE ALSO GOING TO HEAR AFTER I READ THE PROCLAMATION, FROM REPRESENTATIVE FROM A.M.D. TO TALK ABOUT DEAN AND THE EFFORTS THAT HE HAS BEEN INVOLVED IN. SO THIS CERTIFICATE OF CONGRATULATIONS READS: FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE JANUARY 2006 VOLUNTEER OF THE MONTH, DEAN DEAMONT IS DESERVING OF PUBLIC ACCLAIM

AND RECOGNITION. HE IS RELATIVELY NEW TO BEING A COURT APPOINTED SPECIAL ADEQUATE, BUT HAS THROWN HIMSELF INTO THE RESPONSIBILITIES OF KEEPING HIS CASA CHILD'S BEST INTERESTS AT THE FOREFRONT. MR. DEARDROVE ALMOST 5,000 YEARS ADDS AS GUARDIAN AD LITEM, ALSO TESTING THAT RESULTED IN THE CHILD'S EDUCATIONS BEING REDUCED. HE WORKS TIRELESSLY TO SEE THAT HIS CHILD GOT CAUGHT UP TO GRADE LEVEL IN SCHOOL. HE HELPS RECRUIT OTHER VOLUNTEERS, ALSO THE FINANCIAL SUPPORTER OF CASA FOR THE HIGHLAND LAKES AREA. THIS IS PRESENTED IN RECOGNITION OF HIS EXCEPTIONAL DEDICATION AND SPIRIT OF VOLUNTEERISM. 16th DAY OF FEBRUARY, 2006, SIGNED BY ME, MAYOR WYNN, ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, PLEASE JOIN ME IN THANKING DEAN DEAMONT.

THANK YOU.

HI, ON BEHALF OF A.M.D. AND THE HANDS ON CENTRAL TEXAS, A PROJECT OF THE UNITED WAY CAPITAL AREA, WE JUST WOULD LIKE TO CONGRATULATE DEAN FOR HIS INCREDIBLE DEDICATION, NOT ONLY DID HE TRAVEL ALL THOSE MILES, BUT HE DID MORE THAN 370 HOURS OF DEDICATION FOR HIS CHILD'S EDUCATION AND MEDICAL NEEDS. SO THANK SO MUCH, DEAN, WOULD YOU LIKE TO SAY A FEW WORDS?

WELL, I HADN'T PLANNED ON THIS OR I WOULD HAVE SOMETHING PREPARED. BUT I WOULD LIKE TO SAY THAT BEING A CASA IS PROBABLY ONE OF THE BEST THINGS THAT I HAVE EVER DONE IN MY LIFE. I HAVE DONE SOME PRETTY NEAT THINGS. THANK YOU. [APPLAUSE]

Mayor Wynn: SO OUR SECOND PART OF THIS PORTION IS VOLUNTEER OF THE MONTH FOR FEBRUARY AND IT'S GOING TO GO TO ESTELLE GARZA, WHO VOLUNTEERS AT ONE OF MY FAVORITE ORGANIZATIONS, GEN AUSTIN, PART OF THIS EXPANDING THE RECOGNITION THAT WE HAVE BROUGHT A NUMBER OF HER YOUNG FRIENDS WITH HER AND IN FACT EACH OF THE KIDS ARE GOING TO -- YOUNG LADIES ARE GOING TO GET ALSO A GEN AUSTIN DAY PROCLAMATION. BEING THE FATHER OF TWO PREADOLESCENT DAUGHTERS, GEN AUSTIN REMAINS A FAVORITE OF MINE. SO THIS

CERTIFICATE OF CONGRATULATIONS READS: FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE FEBRUARY 2006 VOLUNTEER OF THE MONTH, HE ESTELLE GARZA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. A 17-YEAR-OLD SENIOR AT WESTLAKE HIGH SCHOOL, MS. GARCIA DOES HAS BEEN AN ACTIVE VOLUNTEER FOR A YEAR WITH GEN AUSTIN, FOSTERING STRONG HE FELT ESTEEM AND LEADERSHIP SKILLS IN YOUNG GIRLS. SINCE MS. GARZA IS LATINA, SHE QUICKLY BECAME A TIENNEMAN TORE AND ROLE MODEL FOR THE GIRLS SHE WORKS WITH AT TRAVIS HIGH SCHOOL, TEACHING THEM ABOUT HEALTHY LIFESTYLES AND MAKING WISE CHOICES, SHE SERVES ON THE BOARD AND HAS SERVED AS A SPOKESPERSON FOR THE GROUP AND NEWSPAPER AND RADIO INTERVIEWS. THIS CERTIFICATE IS PRESENT UNDERSTAND RECOGNITION OF HER STRONG ARTICULATE AND CREATIVE LEADERSHIP AS A VOLUNTEER WITH GEN AUSTIN THIS 16th DAY OF FEBRUARY, 2006. SIGNED BY ME, MAYOR WILL WYNN, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, PLEASE JOIN ME IN CONGRATULATING AND THANKING HE IS STILL GARZA WITH GEN AUSTIN. [APPLAUSE] ESTELLE GARZA. [APPLAUSE]

ONCE AGAIN, WE WOULD LIKE TO CONGRATULATE ESTELLE FOR ALL OF HER DEDICATION AND HER HARD WORK. NOT ONLY TRYING TO FINISH HER SENIOR YEAR OF HIGH SCHOOL, BUT REACHING OUT AND HELPING ING AT THE DIFFERENT SCHOOLS IN AUSTIN, WOULD YOU LIKE TO SAY A FEW WORDS.

SURE.

I GUESS I WOULD LIKE TO SAY THANK YOU TO NOT ONLY EVERYONE THAT I WORK WITH, BUT EVERYONE THAT'S HERE TODAY, MY FAMILY FOR SUPPORTING ME THROUGHOUT THIS INCREDIBLY BUSY SENIOR YEAR, IT'S BEEN A WHOLE LOT OF FUN AND REWARDING, SO THANK YOU. [APPLAUSE]

Mayor Wynn: ALSO IN HONOR OF ESTELLE AND MY FRIEND AT IMEN AUSTIN, WE HAVE A -- AT GEN AUSTIN, WE HAVE A SECOND SET OF PROCLAMATIONS, THAT ALL READ THE SAME THAT WE WILL PRESENT TO THE YOUNG LADIES WHO HE ESTELLE WORKS WITH, ALSO OF COURSE PRESENT TO

GEN AUSTIN. THIS PROCLAMATION READS: BE IT KNOWN WHEREAS GEN AUSTIN HAS -- WAS FOUNDED TO HELP ADOLESCENT GIRLS DEVELOP AND MAINTAIN HEALTHY SELF HE SELF-ESTEEM AND LEADERSHIP SKILLS, WHEREAS GEN AUSTIN STRIVES TO EMPOWER GIRLS TO BE TRUE TO THEMSELVES AND THINK CRITICALLY ABOUT THE MEDIA AND THEIR OWN ROLES IN SOCIETY AND ADVOCATES POSITIVE CHANGES FOR GIRLS IN THE COMMUNITY. WHEREAS WE ARE PLEASED TO RECOGNIZE THE NEW GROUP FROM ORIGINAL VOICE, SORT OF CLEVERLY SPELLED OUT, GIRLS AT TRAVIS HIGH SCHOOL AND THEIR LEADER ESTELLE GARZA WHO IS NAMED UNITED WAY VOLUNTEER OF THE MONTH FOR FEBRUARY. I, AUSTIN MAYOR WILL WYNN, DO HEREBY DECLARE TOMORROW, PLENTY OF TIME TO GET READY FOR THIS, TOMORROW FEBRUARY 17th, 2006 AS GEN AUSTIN DAY IN AUSTIN, CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING THIS GREAT EFFORT. [APPLAUSE]

I WOULD JUST LIKE TO GIVE APPLAUSE FOR THOSE OUT IN THE COMMUNITY WHO WOULD LIKE TO VOLUNTEER. GIVE A PLUG FOR THEM. YOU CAN CHECK OUT VOLUNTEERCENTRAL TEXAS.ORG. LISTS A WIDE RANGE OF WAYS TO GET INVOLVED IN YOUR COMMUNITY. YOU CAN FOLLOW IN THE FOOTSTEPS OF BOTH ESTELLE AND DEAN, THANK YOU. [APPLAUSE]

Mayor Wynn: THE COUNCIL MEETING WILL RESUME AFTER A SHORT BREAK. THANK YOU. MCMANSION,.

Mayor Wynn: NO SPEAKERS, THE OTHER HAS TWO AND THEN THE THIRD ONE THAT WE WILL TAKE UP HAS A LOT. SO WE ARE GOING TO TRY TO KNOCK THESE OUT SEQUENTIALLY TO GET AS MANY PEOPLE HOME SOONER RATHER THAN LATER. WITHOUT OBJECTION, COUNCIL, WE WILL GO IN REVERSE ORDER, TAKE UP ITEM NO. 456789 GOOD EVENING, I'M PAT MURPHY WHERE THE WATERSHED PROTECTION DEVELOPMENT AND REVIEW DEPARTMENT. WE ARE HERE TO PRESENT THE AISD DEVELOPMENT STANDARDS AGREEMENT 2 WHICH HAS BEEN -- WE HAVE WORKED ON THIS FOR QUITE SOME TIME, WE ARE GLAD TO BE HERE TODAY TO PRESENT TO YOU THE PROPOSED AMENDMENT. A SHORT HISTORY FOR THE -- FOR THOSE WHO MAY NOT BE AWARE OF THE PAST OF THIS AGREEMENT. BASICALLY IN

MAY OF 1986, THE COMPREHENSIVE WATERSHED ORDERS HAD A SPECIFIC EXCEPTION FOR SCHOOL DISTRICTS SITES. FOR MANY YEARS WE OPERATED UNDER THAT. IN AUGUST OF 1992, THE S.O.S. ORDINANCE PASSED AND SPECIFICALLY LIMITED IMPERVIOUS COVER IN THE BARTON SPRINGS ZONE TO 15% OVER THE RECHARGE AND UP TO 25% IN THE CONTRIBUTING WATERSHEDS. AS A RESULT OF THAT, THE SCHOOL DISTRICT APPROACHED THE CITY AFTER SOME LEGISLATION PASSED EARLIER IN 1990, THE LEGISLATURE HAD PASSED AN AMENDMENT TO THE LOCAL GOVERNMENT CODE THAT SPECIFICALLY PROVIDED FOR SCHOOL DISTRICTS AND CITIES TO ENTER INTO DEVELOPMENT AGREEMENTS REGARDING HOW SCHOOLS WERE TO BE BUILT. THE PROVISION ALSO INCLUDED THAT -- THAT THE -- BOTH THE CITY AND THE DISTRICT MUST AGREE AND IF THEY DID NOT, THERE WERE ARBITRATION PROVISIONS IN THAT LAW. AFTER THE S.O.S. AMENDMENTS PASSED IN 1992, THE SCHOOL DISTRICT APPROACHED THE CITY AND IN SEPTEMBER OF 1994, THE SCHOOL DISTRICT AND THE THE CITY OF AUSTIN ENTERED INTO AN AGREEMENT. THIS AGREEMENT SPECIFICALLY APPLIED TO SCHOOL BUILDINGS AND NOT OTHER FACILITIES AND PROVIDED FOR CERTAIN EXCEPTIONS FOR PORTABLE BUILDINGS, DEVELOPMENT FEES, REVIEW PERIODS, LANDSCAPING, FLOOR-TO-AREA RATIO, CAPABILITY STANDARDS, TRAFFIC IMPACT ANALYSES, FISCAL SURETY AND THEN IMPERVIOUS COVER. THE AGREEMENT PROVIDED UP TO 50 TO 60% IMPERVIOUS COVER IN AREAS OUTSIDE OF THE BARTON SPRINGS ZONE, BUT IN THE BARTON SPRINGS ZONE IMPERVIOUS COVER WAS SPECIFICALLY LIMITED TO 25% IN THE BARTON SPRINGS ZONE. WHICH WAS HIGHER THAN THE LOWEST END OF 15% OVER THE RECHARGE AND WAS THE MAXIMUM THAT WOULD BE OTHERWISE AVAILABLE IN THAT AREA. THERE WAS ALSO AN ATTACHMENT TO THAT ORDINANCE CALLED EXHIBIT B. EXHIBIT B PROVIDED IMPERVIOUS COVER EXCEPTIONS UP TO 50% FOR THREE SCHOOL SITES. THESE WERE SCHOOL SITES FORMERLY LOCATED WITHIN MUNICIPAL UTILITY DISTRICTS THAT THE CITY ANNEXED OR WAS IN THE PROCESS OF ANNEXING. THOSE SCHOOL SITES INITIALLY WERE MAPLE RUN, TRAVIS COUNTY COUNTRY AND THE VILLAGE OF WESTERN OAKS. IN APRIL OF 1997, A FIRST AMENDMENT WAS ADOPTED TO THE SCHOOL DISTRICT,

SIGNIFICANT AMENDMENT THAT WAS PART OF THAT INCLUDED ADDING BOONE ELEMENTARY TO THE LIST OF EXCEPTION SCHOOLS. BOONE ELEMENTARY NEEDED TO DO AN ADDITION AND THIS PROVISION PROVIDED THAT BOONE COULD BE BUILT UP TO 31% IMPERVIOUS COVER. IN APRIL OF 1999, THERE WAS A PROPOSED SECOND AMENDMENT, WHICH WAS SOMEWHAT CONTROVERSIAL IN THAT THE CITY COUNCIL APPROVED A REDUCTION OF THE IMPERVIOUS COVER IN THE BARTON SPRINGS ZONE FROM 25% TO 20%. NOW THE COUNCIL DID ADOPT THAT AMENDMENT BUT THE SCHOOL DISTRICT TRUSTEES DID NOT ADOPT THE AMENDMENT. THEREFORE THAT AMENDMENT DID NOT GO INTO EFFECT AND TODAY WE ARE STILL UNDER THE APRIL 1997 AMENDMENT. SINCE THAT TIME THE SCHOOL DISTRICT HAS NOT ATTEMPTED TO BUILD ANY SCHOOLS IN THIS BARTON SPRINGS ZONE AREA. BUT NOW WITH THE -- WITH THE BONDS THAT WERE APPROVED, THEY HAVE SEVERAL SCHOOL SITES THAT THEY ARE NOW NEEDING TO FOCUS ON. I HAVE A MAP UP ON YOUR MONITORS THAT BASICALLY IS HELPFUL I THINK IN SHOWING THE LOCATIONS OF THESE SCHOOLS SITES. BASICALLY, THIS AGREEMENT THAT IS PROPOSED WOULD ADD PROVISION THAT SCHOOL SITES THAT ARE LOCATED WITHIN AREAS THAT HAVE DEVELOPMENT AGREEMENTS AND IN THIS CASE WE'RE TALKING SPECIFICALLY ABOUT THE BRADLEY AGREEMENT AND THE CIRCLE C LAND CORPORATION, WHICH IS OTHERWISE KNOWN AS STRATUS AGREEMENTS, THESE ARE WITHIN THE CIRCLE C AREA. DURING THE DISCUSSIONS ON THESE AGREEMENTS, THE CITY WAS WELL AWARE OF THESE SCHOOL SITES AND THEY WERE DISCUSSED AT LENGTH RELATIVE TO THE OVERALL DEVELOPMENT THAT WAS PROPOSED. IF YOU RECALL THESE -- THESE AGREEMENTS WERE APPROVED BY COUNCIL, BASICALLY WITH THE UNDERSTANDING THAT THEY MET THE OVERALL INTENT OF THE SAVE OUR SPRINGS ORDINANCE ON A CUMULATIVE BASIS. IN OTHER WORDS IT CLUSTERED THE DEVELOPMENT ON CERTAIN SITES AND OFFSET THAT WITH OPEN SPACE ON OTHER SITES. THERE WERE THREE SCHOOL SITES THAT WE KNEW ABOUT AT THAT TIME. ONE WAS THE SOUTHWEST ELEMENTARY SCHOOL, WHICH IS LOCATED AT THE TERM NEWS OF LACROSSE -- TERMINUS OF LACROSSE CLOSE TO 1826, ACTUALLY IN THE RECHARGE ZONE. THE OTHER SITE

IS THE -- IS THE BEAR LAKE P.U.D., A PART OF THE STRATUS AGREEMENT, THAT WAS ACTUALLY ALSO COMPLIANT ON AN OVERALL BASIS AS A PLANNED UNIT DEVELOPMENT WITH S.O.S. THERE IT'S A SCHOOL SITE PROPOSED THERE, MOST LIKELY AN ELEMENTARY SCHOOL. THERE IS A THIRD SCHOOL SITE, THE SOUTHWEST MIDDLE SCHOOL LOCATED AT THE INTERSECTION OF SLAUGHTER LANE AND 1826. THIS SITE IS IN THE CONTRIBUTING ZONE AND IS WITHIN THE STRATUS AGREEMENT. AT THE TIME OF THE STRATUS AGREEMENT THAT SITE WAS ALSO SPECIFICALLY DISCUSSED. THE FOURTH SCHOOL THAT WE'LL TALK ABOUT TODAY IS KIKER ELEMENTARY, WHICH HAS A VERY SPECIFIC ADDITION THAT THEY WOULD LIKE TO DO TO THAT SCHOOL. SO ONE -- THE FIRST THING THAT THE AGREEMENT IS IDENTIFYING IS ASKING FOR THE ABILITY TO COMPLY WITH THE DEVELOPMENT AGREEMENTS RATHER THAN THE INTERLOCAL RELATIVE TO ANY CONFLICTS THAT WOULD OCCUR. THE -- THE INTERLOCAL -- THE DEVELOPMENT AGREEMENTS MAY PROVIDE FOR SLIGHTLY HIGHER LEVELS OF IMPERVIOUS COVER ON A TRACT BY TRACT BASIS, WHICH IS THE WAY THAT IT WAS ALLOCATED WHEN THAT WAS CREATED, BUT GENERALLY THESE SCHOOL SITES SHOULD BE CLOSE TO THE 25% IMPERVIOUS COVER LIMIT THAT IS CURRENTLY IN THE AGREEMENT. AND IN FACT THE SOUTHWEST MIDDLE SCHOOL SITE IS SPECIFICALLY LIMITED TO THE 25%. AND THE SCHOOL DISTRICT REPRESENTATIVES ARE HERE THIS EVENING IF YOU HAVE MORE SPECIFIC QUESTIONS ABOUT THOSE PROPOSALS. KIKER ELEMENTARY IS THE OTHER PART OF THIS THAT IS SIGNIFICANT. COMINGER WAS BUILT UNDER PAST WATERSHED REGULATIONS CURRENTLY DOES NOT COMPLY WITH S.O.S. RIGHT NOW THE SCHOOL IS AT ABOUT 28% IMPERVIOUS COVER. THE PROPOSAL IS TO ADD AN 8 CLASSROOM ADDITION TO THAT SCOOVMENT WHAT THAT WOULD DO IS WRITE THE IMPERVIOUS COVER -- WHAT THAT WOULD DO IS BRING THE IMPERVIOUS COVER UP TO 38% IMPERVIOUS COVER. NO DISCHARGE WATER QUALITY CONTROL, COMPLIANT WITH S.O.S. FOR THE AREA THAT THE ADDITION IS ALSO PROPOSED. RIGHT NOW THE SCHOOL SITE HAS 8 PORTABLES THAT WILL WOULD BE AT LEAST TEMPORARILY MOVED OFF THE SITE WHEN THIS ADDITION WAS BUILT. IN ORDER TO ADDRESS THE KIKER ELEMENTARY PROPOSAL

STAFF MET WITH AISD REPRESENTATIVES AND DISCUSSED ALTERNATIVES. ONE OF THE ALTERNATIVES THAT WAS DISCUSSED AND -- AND GRADUALLY BECAME THE PROPOSAL WAS TO MITIGATE THE SCHOOL SITE, IMPERVIOUS COVER, TO A LEVEL THAT WOULD BE CLOSE TO S.O.S. INITIALLY THE SCHOOL DISTRICT PROPOSED THAT WE MITIGATE TO 20% IMPERVIOUS COVER. BUT SUBSEQUENTLY THE SCHOOL DISTRICT DID AGREE AND PROPOSE TO MITIGATE KIKER TO 15%. THE WAY THAT THEY WOULD PROPOSE TO DO THAT WOULD BE TO PROVIDE FUNDS TO THE CITY TO USE WITH OUR OPEN SPACE FUNDS IN ORDER TO BE ABLE TO ACQUIRE ENOUGH LAND TO OFFSET THE 96,000 SQUARE FEET OF IMPERVIOUS COVER THAT KIKER EXCEED THE SAVE OUR SPRINGS 15% LIMIT. THE OTHER PROPOSAL THAT IS PART OF THIS IS THAT THE SCHOOL DISTRICT NO LONGER OWNS THE MAPLE RUN SITE. AND SO THEREFORE THEY ARE PROPOSING TO DELETE THAT SCHOOL SITE FROM THE EXHIBIT B SINCE THEY NO LONGER HAVE A NEED FOR IT. WE WENT TO THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION, THE ENVIRONMENTAL BOARD DID MAKE A RECOMMENDATION. I BELIEVE THAT YOU DO HAVE A LETTER OR AN E-MAIL PROVIDED TO YOU FROM THE CHAIR OF THE ENVIRONMENTAL BOARD GIVING YOU SOME BASIS FOR THEIR RECOMMENDATION. BUT AFTER CONSIDERING THE SCHOOL'S AGREEMENT, THE ENVIRONMENTAL BOARD HAD TWO RECOMMENDATIONS. ONE OF THOSE WAS TO REMOVE SITES TWO AND THREE FROM EXHIBIT B. THOSE SITES ARE BASICALLY MILLS ELEMENTARY AND THE TRAVIS COUNTY SCHOOL SITE. LET ME TALK ABOUT THOSE SCHOOL SITES JUST BRIEFLY. THE MILLS ELEMENTARY SITE IS BUILT. IT WAS BUILT AT AROUND 23% IMPERVIOUS COVER. WHICH IS TO AISD'S CREDIT FOR BEING ABLE TO ACCOMPLISH THAT. THE SCHOOL SITE CURRENTLY UNDER THE EXHIBIT HAS THE ABILITY TO GO UP TO 50%. SO THE ENVIRONMENTAL BOARD FELT THAT THE SCHOOL DISTRICT SHOULD CONSIDER REMOVING THAT SCHOOL FROM THE EXHIBIT B, WHICH GAVE IT AN EXCEPTION, BECAUSE THEY FELT THAT IT WAS NO LONGER NEEDED. THE SECOND SITE IS TRAVIS COUNTRY, THAT SITE IS YET UNBUILT AND UNFUNDED. THE SCHOOL DISTRICT HAS NOT SITE PLANNED THAT SITE. SO THEY ARE NOT SURE WHAT AMOUNT OF IMPERVIOUS COVER THEY CAN LIVE WITH. WHAT I -- WHAT I DO KNOW ABOUT THE

AGREEMENT RELATIVE TO THE TRAVIS COUNTRY SITE, IT IS PROBABLY NOT LIKELY THAT THEY WOULD BE ABLE TO ACHIEVE 50% IF -- IT WOULD APPEAR IT MIGHT BE MORE LIKELY IN THE 30% RANGE GIVEN THE NEED FOR WATER QUALITY CONTROLS WHICH TYPICALLY DRIVE ABOUT 40% IMPERVIOUS COVER AT THE MOST AND THE NEED FOR PLAY AREAS THAT ARE NON-STORM WATER IRRIGATED FOR THE CHILDREN. SO WE BELIEVE THAT THE TRAVIS COUNTRY SITE WOULD BE BUILT WELL BELOW THE 50%, SINCE THE SCHOOL DISTRICT HAS NOT SITE PLANNED THAT SITE THEY CANNOT TELL US EXACTLY HOW MUCH IMPERVIOUS COVER THEY COULD NEED. SO THE ENVIRONMENTAL BOARD PROPOSED TO REMOVE THOSE TWO SCHOOL SITES FROM THE EXHIBIT B, WHICH GAVE THEM EXCEPTIONS TO THE 25% LIMIT, WHICH WAS OTHERWISE IN THE AGREEMENT. THE SECOND RECOMMENDATION FROM THE ENVIRONMENTAL BOARD WAS TO -- THERE'S AN INTERESTING PROVISION IN THE AGREEMENT THAT HAD TO DO WITH BICYCLE PARKING. AND IF YOU REALLY -- IF YOU HAVE QUESTIONS ABOUT THAT, I HEARD DAN ROBERTSON WITH THE SCHOOL DISTRICT GIVE A VERY GOOD DESCRIPTION OF THAT LAST NIGHT. I WON'T ATTEMPT TO EXPLAIN THAT. THAT WAS SOMETHING THAT RIGHT NOW THE AGREEMENT DOES NOT REQUIRE AISD TO MEET THE CITY'S BICYCLE PARKING REQUIREMENTS. THE PLANNING COMMISSION HEARD THIS ON THE 14th. VERY RECENTLY. AND THE -- THE PLANNING COMMISSION AFTER HEARING ALL OF THE PRESENTATION AND SPEAKERS CHOSE TO GO WITH STAFF RECOMMENDATION. STAFF RECOMMENDATION IS TO APPROVE THE AGREEMENT AS IT IS IN YOUR BACKUP. IT DOES NOT INCLUDE THE ENVIRONMENTAL BOARD RECOMMENDATION TO REMOVE THE SCHOOL SITES FROM EXHIBIT B. OR THE BICYCLE PARKING PROVISION THAT WAS RECOMMENDED. IF YOU HAVE QUESTIONS, I WILL BE HAPPY TO TRY TO ANSWER THOSE AS WELL AS WE HAVE AISD REPRESENTATIVES HERE AS WELL. THANK YOU.

Mayor Wynn: THANK YOU, MR. MURPHY, QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL?

Leffingwell: MR. MURPHY, THESE TWO SCHOOLS, THE TRAVIS COUNTRY SITE FOR A SCHOOL AND THE MILLS ELEMENTARY SCHOOL, THEY ARE ALLOWED -- THEY ARE PART OF A -- OF

SEPARATE DEVELOPMENT AGREEMENTS; IS THAT CORRECT.

MILLS IS LOCATED WITHIN THE VILLAGE OF WESTERN OAKS. AND THAT SCHOOL IS BUILT. IT IS A TWO STORY MODEL AND THEY WERE ABLE TO ACCOMPLISH THAT AT 23% IMPERVIOUS COVER. THE AGREEMENT ALLOWS THEM UP TO 50%. BUT THE SCHOOL CURRENTLY SITS AT 23%.

Leffingwell: IS THAT A SEPARATE DEVELOPMENT AGREEMENT THAT ALLOWS 50% OR IS THAT THE EXISTING INTERLOCAL BETWEEN THE CITY AND THE SCHOOL DISTRICT?

IT THE EXISTING INTERLOCAL AND THAT IS ALL -- ALL ATTACHMENT B, IT'S THE ONE THAT SAYS VILLAGE OF WESTERN OAKS, SCHOOL SITE.

AND THE SAME THING APPLIES TO THE TRAVIS COUNTRY SITE?

CORRECTLY. IDENTICAL EXCEPTIONS. THE TRAVIS COUNTRY SCHOOL SITE IS OWNED BY AISD BUT HAS NOT BEEN DEVELOPED AND IS CURRENTLY NOT FUNDED.

Leffingwell: OKAY, THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COMMENTS? IF NOT, A FEW FOLKS SIGNED UP WISHING TO SPEAK, PERHAPS AFTER THEIR TESTIMONY WE MIGHT HAVE MORE QUESTIONS OF STAFF AND/OR AISD STAFF. SEE OUR FIRST SPEAKER IS MR. BRAD ROCKWELL. WELCOME, BRAD. IT'S TIM MAHONEY HERE? HOW ABOUT TOM PANTON. HELLO, TOM. SO BRAD YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. THEN WE WILL NOTE THAT TIM MAHONEY SIGNED UP TECHNICALLY NEUTRAL BUT OFFERING TO GIVE TIME TO MR. ROCKWELL.

THANK YOU, I WILL TRY TO BE BRIEF. I'M BRAD ROCKWELL HERE ON BEHALF OF SAVE OUR SPRINGS. WHAT'S BEFORE YOU IS AN AGREEMENT FOR AISD TO BE GIVEN EXEMPTIONS FROM THE SAVE OUR SPRINGS ORDINANCE AND TO MAKE IT EFFECTIVELY EASIER FOR AISD TO PROVIDE AND BUILD SCHOOLS IN THE BARTON SPRINGS WATERSHED. SAVE OUR SPRINGS AL LINES VERY STRONGLY SUPPORTS THE RECOMMENDATIONS BY THE ENVIRONMENTAL BOARD.

WHICH HAS PROPOSED THAT TWO OF THE SCHOOLS THAT HAVE BEEN GIVING SPECIAL EXCEPTIONS OF 50% IMPERVIOUS COVER BE BROUGHT DOWN TO THE 25% IMPERVIOUS COVER THAT MOST OF THE SCHOOLS ARE -- ARE PROVIDED FOR UNDER THIS AGREEMENT. AS WAS MENTIONED BEFORE, THESE ARE OLD PROVISIONS IN THE AGREEMENT. THEY ARE VERY OPEN ENDED. THE MILLS ELEMENTARY SCHOOL SITE HAS BEEN BUILT OUT SINCE THE 50% IMPERVIOUS COVER LIMIT WAS FIRST PUT THERE. AND THEY'VE SHOWN THAT THEY CAN BUILD THE ON -- CAN BUILD THE SCHOOL THAT THEY PLAN TO BUILD THERE AT 22% IMPERVIOUS COVER. SO THERE'S NO DEMONSTRATED NEED FOR THE EXTRA IMPERVIOUS COVER. IT SHOULD BE BROUGHT DOWN TO 25% LIKE ALL OF THE OTHER SCHOOLS ARE. SIMILARLY WITH THE TRAVIS COUNTRY SITE, AISD SCHOOL REPRESENTATIVES HAVE STATED THAT THEY HAVE NO PRESENT PLANS TO EVEN PUT A SCHOOL ON THAT SITE. MAY NEVER PUT A SCHOOL ON THAT SITE. THAT BEING THE CASE, THERE'S NO DEMONSTRATED NEED ON -- THEY HAVEN'T DONE THE SITE PLANNING OR ANYTHING ELSE THAT WOULD SHOW THAT THEY EVEN NEED 50% IMPERVIOUS COVER. WE ARE RECOMMENDING THAT YOU REDUCE IT, THE 50% IMPERVIOUS COVER TO 25% AND IF AT A LATER DATE AISD HAS A A NEED FOR 50% IMPERVIOUS COVER AT THAT SITE, THEY CAN COME BEFORE THIS BODY, SEEK AN AMENDMENT TO THE AGREEMENT AND MEET THEIR NEEDS THAT WAY IF INDEED THERE IS NO OTHER WAY TO DO IT. SO THAT'S OUR MAJOR CONCERNS. WE ARE IN AGREEMENT WITH THE ENVIRONMENTAL BOARD. THERE'S ONE OTHER ISSUE THAT I WOULD LIKE TO DRAW YOUR ATTENTION TO AND THAT'S IN -- IN MANY RESPECTS WHAT'S BEFORE YOU IS A PLANNING DOCUMENT. THE PLACEMENT AND CONSTRUCTION OF SCHOOLS BY AISD PLAYS A HUGE IMPORTANT ROLE IN HOW THIS CITY GROWS, HOW IT DEVELOPS, WHAT OUR NEIGHBORHOODS ARE LIKE AND WHERE PEOPLE MOVE. AT THE SAME TIME ACE IS IS -- AT THE SAME TIME AISD IS COMING TO YOU TO GET PERMISSION TO MAKE IT EASIER TO BUILD SCHOOLS IN SOUTHWEST AUSTIN IN THE BARTON SPRINGS WATERSHED. IT ANNOUNCED THAT IT PLANS TO CHOSE SOME OF THE CENTRAL AUSTIN SCHOOLS LIKE BECKER ELEMENTARY SCHOOL AND MATTHEWS THAT ARE LOCATED IN THE

NEIGHBORHOOD WHERE WE WANT TO HAVE GROWTH AND HAVE DEVELOPMENT IN THESE AREAS. BUT IN FACT THE NEIGHBORHOODS WITHIN BECKER SERVED BY BECKER HAVE GROWN SUBSTANTIALLY BUT ENROLLMENT IS NOT UP. WHICH TO ME THAT'S AN INDICATION THAT AISD IS NOT MEETING THE EDUCATIONAL NEEDS OF THE CENTRAL AUSTIN, THEY ARE NOT BUILDING SCHOOLS, THEY ARE NOT MAINTAINING SCHOOLS IN A WAY THAT MAKES THEM ATTRACTIVE AND APPEALING TO PEOPLE LIVING IN THE NEIGHBORHOODS. AND INDEED IT'S CERTAINLY PROBABLY TRUE THAT THE EDUCATIONAL NEEDS IT'S MORE DIFFICULT MEETING SOME OF THE CENTRAL AUSTIN NEEDS THAN IT MAY BE SOME OF THE MORE FAR FLUNG NEEDS, SCHOOL'S NEED, IT IS SOMETHING THAT MAYBE REQUIRES MORE RESOURCES, SO WE WOULD ENCOURAGE THE CITY COUNCIL TO LOOK AT THIS AS A PLANNING DOCUMENT. TO RECOGNIZE THAT IT'S VERY IMPORTANT FOR AISD TO COMMIT SCHOOL RESOURCES IN THE DESIRED DEVELOPMENT AREAS AND AS PART OF YOUR NEGOTIATIONS, AS PART OF YOUR DEAL WITH AISD, TO ASK THEM TO KEEP BECKER ELEMENTARY SCHOOL OPEN FOR AT LEAST ANOTHER THREE YEARS TO ALLOW THE NEIGHBORHOOD TO WORK WITH AISD TO SEE IF ENROLLMENT CAN BE BROUGHT UP, TO SEE IF -- IF THAT SCHOOL CAN BE IMPROVED AND RESOURCES CAN BE DEVOTED AT THAT SCHOOL TO MAKE THAT PART OF A SUSTAINABLE COMMUNITY THAT WE WANT IN AUSTIN AND THE CENTRAL AUSTIN AREAS WHERE CHILDREN CAN WALK AND BICYCLE TO SCHOOL. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. ROCKWELL. NEXT SPEAKER IS KATHY [INDISCERNIBLE] SAW KATHY EARLIER. YOU WILL HAVE THREE MINUTES. LORRAINE ATHERTON NOT WISHING TO SPEAK, IN OPPOSITION.

THANK YOU MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS KATHY TOVO, THE PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. I WILL KEEP MY COMMENTS SHORT. I KNOW THAT I HAVE EXPRESSED THIS PARTICULAR POSITION TO YOU AT LEAST ONCE BEFORE. AND TO SOME OF YOU MORE TIMES THAN THAT. OUR NEIGHBORHOOD ASSOCIATION HAS NOT TAKEN A POSITION ON THIS AGREEMENT. BUT I WOULD LIKE TO ECHO THE

COMMENT THAT BRAD ROCKWELL MADE ABOUT THE -- THE INTERESTING TIMING HERE OF CONSIDERING AN AGREEMENT THAT IS ALLOWING OR WOULD ALLOW DEVELOPMENT IN AREAS OUTSIDE OF THE CENTRAL CITY AT THE SAME TIME THAT AISD HAS MADE A PROPOSAL TO CLOSE NEIGHBORHOODS, SEVERAL NEIGHBORHOOD SCHOOLS, INCLUDING BECKER ELEMENTARY AND BOULDIN CREEK. I URGE YOU TO PLEASE CONTINUE TO SPEAK WITH AISD AND I THANK YOU, THANK YOU TO THE COUNCILMEMBERS WHO HAVE -- WHO HAVE CONVEYED THIS PARTICULAR POINT TO THE AISD THAT THIS IS AN AREA OF THE CITY WHERE WE ARE TRYING TO ENCOURAGE PEOPLE TO LIVE. AND IT'S A COMMUNITY THAT WE ARE TRYING TO KEEP AS A VIBRANT NON-AUTO DEPENDENT AREA. OUR NEIGHBORHOOD DEPEND ON HAVING A VIBRANT, WALKABLE, BIKABLE AREA DEPENDS ON HAVING NEIGHBORHOOD SCHOOLS, I DO HOPE THIS WILL FACTOR INTO YOUR DECISION MAKING ABOUT THE AGREEMENT TONIGHT. THANK YOU.

Mayor Wynn: THANK YOU, MS. TOVO. COUNCIL THAT'S ALL OF THE CITIZENS SIGNED UP WISHING TO ADD US ON THIS PUBLIC HEARING, ITEM NO. 45. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WOULD LIKE TO ASK THE CHAIR OF THE ENVIRONMENTAL BOARD TO COME UP AND SAY A FEW WORDS ABOUT HIS -- I DON'T GUESS THAT YOU ARE SIGNED UP, BUT I UNDERSTAND THAT YOU WANT TO SAY A FEW WORDS ABOUT YOUR RECOMMENDATION IF THERE'S NO OBJECTION.

Mayor Wynn: NO. WELCOME MR. ANDERSON.

THANK YOU COUNCILMEMBER LEFFINGWELL, MAYOR, MAYOR PRO TEM, CITY MANAGER, THE REST OF THE COUNCILMEMBERS, I WILL TAKE A FEW SECONDS HERE TO -- TO TRY TO PASS ON THE WEIGHT THAT WE PUT HYPED THE - -BEHIND THE MOTION OR THE RECOMMENDATION THAT WE SENT TO THE PLANNING COMMISSION AND TO Y'ALL A LITTLE EARLIER IN THE MONTH. WE SET ASIDE A SUBCOMMITTEE MEETING TO LOOK AT THIS OVER A NUMBER OF DIFFERENT MEETINGS. WE WORKED VERY HARD AND APPLAUD AISD

AND DAN ROBERTSON, ESPECIALLY, FOR WORKING WITH US. I LAID OUT IN A MEMO REAL QUICKLY KIND OF THE RATIONALE OF WHY WE THOUGHT THESE TWO SITES MIGHT BE -- MIGHT BE APPROPRIATE TO REMOVE THOSE FROM EXHIBIT B. I WON'T GO OVER THAT AGAIN. BUT THIS IS SOMETHING THAT THE ENVIRONMENTAL BOARD TOOK VERY SERIOUSLY AND URGE YOU TO THINK QUITE SERIOUSLY ABOUT IT YOURSELVES. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU

JUST WHAT ARE THE RECOMMENDATIONS FROM THE ENVIRONMENTAL BOARD AND SOME OF THE TESTIMONY THAT WE HEARD REFERRED TO A COUPLE OF THE SCHOOL TRACTS THAT WOULD BE PERMITTED TO DEVELOP, YOU KNOW --, YOU KNOW, 50% IMPERVIOUS COVER, ONE OF THEM IS THE TRAVIS COUNTRY SITE. WHICH I BELIEVE IS THE -- THE SCHOOL DISTRICT SAID IT'S NOT PLANNING TO DEVELOPMENT.

THEY HAVE NO CURRENT PLANS TO DEVELOP IT.

AND -- AND THE OTHER ONE IS SITE NUMBER 3, WHICH IS A MILLS ELEMENTARY SCHOOL SITE.

THAT'S CORRECT.

IF YOU CAN JUST EXPLAIN WHY THAT PARTICULAR SITE IS EXEMPT FROM THE TERMS OF THE AGREEMENT.

THE SCHOOL DISTRICT ACQUIRED THESE SITES THAT ARE IN THAT EXHIBIT B PRIOR TO US HAVING THE STRICTER WATERSHED REGULATIONS THAT WE HAVE TODAY. AND BECAUSE OF THAT, AND BECAUSE OF FUNDING ISSUES, RELATIVE TO HOW MUCH THE SCHOOL HAD AVAILABLE TO BUILD THOSE SCHOOLS AND THE ABILITY TO EVEN FIT A SCHOOL ON SITE, THE SCHOOL DISTRICT REQUESTED SPECIFIC EXCEPTIONS. AND THE COUNCIL AGREED AT THE TIME IN 1994 AND AGAIN IN '97 TO GRANT THOSE EXCEPTIONS. THE MILLS ELEMENTARY AS I SAID ACTUALLY WAS ABLE TO BE BUILT AT LESS THAN THAT, IN FACT AROUND 23% I BELIEVE IS THE CORRECT NUMBER. PART OF THAT IS IN -- DUE TO I UNDERSTAND THAT -- THAT THERE

WAS A SWITCH IN TRACTS THAT OCCURRED THAT LUMBERMEN'S INVESTMENTS BASICALLY GAVE THE SCHOOL A BIGGER SITE TO BUILD ON. SECONDLY IT'S BECAUSE THEY BUILT A TWO STORY BUILDING ON THAT TRACT. AND WITH THAT FOOTPRINT THEY ARE ABLE TO OBVIOUSLY SAVE IMPERVIOUS COVER. SO THOSE ARE THE TWO SCHOOL SITES THAT THE ENVIRONMENTAL BOARD SPECIFICALLY IDENTIFIED IN THEIR RECOMMENDATION.

Alvarez: BUT THAT PARTICULAR EXHIBIT IS ONE THAT'S -- THAT'S NOT NECESSARILY RECOMMENDED? FOR ANY KIND OF -- OF CHANGES OR ALTERATIONS.

THANKS FOR ASKING THAT. KIKER IS BEING ADDED TO THAT LIST JUST AS BOONE WAS ADDED PREVIOUSLY. AND KIKER IS BEING ADDED TO THE LIST IN ORDER TO BE ABLE TO ACCOMMODATE THE 8 CLASSROOM ADDITION THAT IS PROPOSED TO BE BUILT THERE. SO ONE SCHOOL IS COMING ON, KIKER AND THEN THE MAPLE RUN SITE THAT THE SCHOOL DISTRICT NO LONGER OWNS IS COMING OFF. SO --

Alvarez: THEN DOES THAT PARTICULAR EXHIBIT, IS THAT WHERE THE MITIGATION OPTION IS AS WELL? OR -- ON EXHIBIT B, YOU KNOW, PERTAINING TO KIKER? AND THEN DOES IT APPLY ONLY TO THAT PARTICULAR SITE?

THAT'S CORRECT. THE ONLY SCHOOL SITE AT THIS TIME THAT IS PROPOSED FOR MITIGATION IS THE KIKER ELEMENTARY SITE. AS I SAID, THEY HAVE 96,000 SQUARE FEET MORE IMPERVIOUS COVER THAN THEY WOULD BE ALLOWED UNDER S.O.S., WHICH WOULD ALLOW 15%, THEY ARE ROUGHLY AT 34%, WITH THE ADDITION. SO THE SCHOOL DISTRICT HAD BEEN LOOKING AT A PIECE OF LAND TO PURCHASE AND WE HAD BEEN TRYING TO HELP THEM WITH THAT. FOR A COUPLE OF REASONS. ONE IS THE SCHOOL DISTRICT DID NOT WANT TO HAVE TO PURCHASE MORE DEVELOPMENT RIGHTS THAN THEY ACTUALLY COULD USE AND FRANKLY CITY STAFF HAD NOT BEEN INTERESTED IN DOING SO SOME OF BANKING WHERE THEY HAD IMPERVIOUS COVER ENTITLEMENTS REMAINING THAT THEY WOULD BE USING IN THE FUTURE. SO -- SO THE BEST SOLUTION TO THAT WAS ARRIVED AT WAS THAT THEY WOULD PROVIDE FUNDS TO CONTRIBUTE ALONG WITH THE

CITY'S OPEN SPACE FUNDS IN THE EQUIVALENT AMOUNT OF WHAT WE FEEL WOULD BE ABLE TO ACCOMMODATE 96,000 SQUARE FEET. WITH AN OVERALL GOAL AND -- OF MITIGATING KIKER TO 15%.

BUT ESSENTIALLY THE SCHOOLS LISTED IN -- IN EXHIBIT B, LISTED IN THE TERMS OF THE '94 AGREEMENT OR '99 OR '97 IF.

'94, I BEEN AMENDED IN '97.

BUT THOSE PARTICULAR -- PARTICULAR SCHOOLS WERE -- WERE AT LEAST A COUPLE OF THEM WERE EXEMPT IN 94. -- PRIOR TO -- PRIOR TO THAT PARTICULAR AGREEMENT, BUT IS IT TRUE THAT ALL FOUR SITES, YOU KNOW, WERE -- WERE ACQUIRED AND -- AND BEFORE S.O.S. AS WELL.

LET ME -- IF YOU DON'T MIND, DAN ROBERTSON, I CAN SEE STANDING BEHIND ME I THINK WOULD BE A BETTER PERSON TO ANSWER THAT QUESTION. WHO I WHILE WE REALLY UNDERSTAND AND APPRECIATE THE CONCERN OF THOSE ABOUT SEEING THOSE, THEY HAVE BEEN SITTING THERE LIKE THAT SINCE 1994. THE REASON THEY APPEAR IS BECAUSE WE PUT THE ENTIRE EXHIBIT B BEFORE YOU, IN ORDER TO ELIMINATE THE MAPLE RUN SITE, WHICH WE NO LONGER HAD. SO YOU KNOW OUR -- OUR RESPONSE TO THE CONCERN IS YES WE HEAR THE CONCERN, LET'S LOOK AT THE RECORD. THE MAPLE RUN SITE WENT BACK TO GREEN SPACE WITH THE DEVELOPER AND IT WASN'T DEVELOPED AT ALL. WE WERE FORTUNATE ENOUGH IN THE CASE OF THE VILLAGE OF WESTERN OAKS SITE TO BE ABLE TO SHIFT, GET A LITTLE BIT MORE LAND, WE STACKED OUR CLASSROOM ELEMENTS THERE AND ACHIEVED 22.64, WHERE WE HAD 50, AND WE REALLY HAVE NO PROBLEM WITH COMMITTING TO DOING THE BEST WE CAN WHEN AND IF WE DEVELOP TRAVIS COUNTRY. THAT'S WHAT WE WILL DO THERE, TOO. THE PROBLEM WE HAVE IS KNOWING WHAT WOULD THAT BE AT THIS POINT BECAUSE WE DON'T HAVE A NET SITE AREA. WE HAVE -- WE HAVE DONE SOMETHING TO FACILITATE BEING ABLE TO MINIMIZE, THAT IS IN OUR BOND ISSUE THIS TIME WE REALIZE THAT REDUCING OUR FOOTPRINT IN THE BARTON SPRINGS ZONE WOULD BE GOOD, WE STANDARDIZE THE SIZE OF OUR CLASSROOMS. AT THE TIME WE DID MILLS

WE HAD THREE DIFFERENT SIZES OF CLASSROOMS, WE COULD ONLY STACK PART OF THE ELEMENTS. NOW WE CAN STACK ALL OF THE ELEMENTS. SO WE CAN SQUEEZE OUR FOOTPRINT UP. SO BOY I -- YOU KNOW, I BELIEVE WE ARE GONNA DO THE BEST WE CAN DO AND HAVE NO TROUBLE COMMITTING TO THAT. ON THE OTHER HAND, THE IDEA THAT WE WOULD SAY, WELL, WE ARE GOING TO GIVE UP THAT -- THAT ANCIENT 1994 AGREEMENT IS A LITTLE BIT MORE DIFFICULT TO -- TO RATIONALIZE. I WOULD SAY LOOK AT THE RECORD BEYOND THAT, TOO. WE -- IN RESPONSE TO A LETTER FROM THE COUNCIL THAT SAID DON'T BUILD AKINS HIGH SCHOOL ON THE BARTON SPRINGS ZONE, YOU KNOW, WE HAD A COOPERATIVE VENTURE THERE WHERE WE DID THE INFRASTRUCTURE TOGETHER. IN THE CASE OF A REQUEST FROM S.O.S., TRYING TO GET AS CLOSE AS YOU CAN TO S.O.S. ON SMALL, WE ACHIEVED 17%. WE MOVED COWAN OFF OF THE RECHARGE ZONE, INTO THE WILLIAMSON COUNTY CREEK WATERSHED. SO THAT'S THE KIND OF THING THAT WE ARE GOING TO DO. BUT TO -- TO REALLY GO BACK AND AMEND WHAT'S BEEN SITTING THERE SINCE 1994, IT'S KIND OF DIFFICULT FOR THE -- FOR THE TRUSTEES TO THINK THAT'S AN OKAY THING.

Alvarez: THANK YOU, MR. ROBERTSON.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: PROBABLY WANT TO ASK MR. MURPHY THE SAME QUESTION. ON THE KIKER SITE. THE ACTUAL CHANGE IN IMPERVIOUS COVER IS NOT SIGNIFICANT BECAUSE THAT'S ALREADY COVERED WITH PORTABLE BUILDINGS. AS I UNDERSTAND IT, IS THAT CORRECT?

YEAH, EVERY OTHER PRESENTATION MR. MURPHY HAS BEEN DOING THE DIFFERENCE WHICH IS PROBABLY WITH THE PORTABLES COUNTED, WHICH ARE EXEMPTED BY THE STATE IT'S CLOSER TO 34. IT'S GOING FROM 34 TO 28. AND -- AND WE WILL BE ABLE TO REDUCE THE PORTABLES SUBSTANTIALLY, NOT JUST BECAUSE OF THIS ADDITION, ONE OF THE PROBLEMS WITH KIKER IS THAT IT'S -- IT'S ONLY A 24 CLASSROOM SCHOOL. OUR STANDARD RIGHT NOW IS 32. AND IN THE CASE OF MILLS AND THE NEW SOUTHWEST ELEMENTARY WE ARE BUILDING THE 40 INITIALLY TO TRY TO

DO THE REDUCED FOOTPRINT. SO KIKER IS REALLY UNDERSIZED FOR THE AREA. SO WE ARE ACHIEVING THAT REDUCTION BOTH BECAUSE WE ARE BUILDING THE PERMANENT ADDITION AND ALSO WE ARE RELIEVING KIKER WITH THE -- WITH THE CONSTRUCTION OF THE SOUTHWEST ELEMENTARY.

SO THE PORTABLE BUILDINGS DON'T CURRENTLY COUNT IN YOUR IMPERVIOUS COVER.

THAT'S CORRECT.

Leffingwell: BUT THEY ARE THERE. THEY ARE THERE. THAT'S RIGHT.

THEY DON'T COUNT.

EXACTLY. AT ONE TIME DURING NEGOTIATIONS PAT WAS TRYING TO WELL FIGURE WHAT'S THE REAL REDUCTION, YOU KNOW, FROM THE NUMBER OF PORTABLES THAT ARE THERE TO WHAT WOULD REALLY COME ABOUT. SO WE HAVE TALKED ABOUT THAT.

Leffingwell: SO MR. MURPHY WOULD YOU CARE TO VERIFY THAT FROM THE STAFF'S POINTS OF VIEW?

WELL, ONE OF THE THINGS THAT THE LEGISLATURE DID IN 1990 IS THEY SPECIFICALLY MADE IT VERY CLEAR THAT PORTABLE STRUCTURES, PORTABLE CLASSROOMS COULD NOT BE REGULATED BY MUNICIPALITIES OTHER THAN FOR BUILDING SAFETY ISSUES. SO WHEN WE FIRST STARTED TALKING TO AISD ABOUT KIKER, PORTABLES IN THE FUTURE AS A WAY TO OFFSET THE CLASSROOM ADDITION. I HAVE COME TO UNDERSTAND AND I KNOW THAT -- THAT AISD IS NOT THAT THEY ARE NOT UNWILLING TO CONSIDER THAT, IT'S THAT -- IT'S THAT THE -- THAT THE INABILITY TO MEET FUTURE STUDENT DIFFERENCES, IF THEY HAVE MORE STUDENTS IN ANY PARTICULAR YEAR, THAT'S HOW THEY ADAPT AND ADJUST TO THAT ON A VERY QUICK BASIS. ON NOT THAT THEY CAN'T AGREE TO HAVE A PORTABLE BACK ON KIKER --

BUT FOR NOW THE SITUATION ON THE GROUND IS LOOKING

AT AN EQUIVALENT OR A SLIGHT REDUCTION IN THE ACTUAL AMOUNT OF IMPERVIOUS COVER.

RIGHT NOW IT WOULD GO UP 4% FROM 34% ROUGHLY, IF WE COUNT THE PORTABLES.

Leffingwell: 34 IS COUNTING THE PORTABLES?

CORRECT. THAT WAS BASED ON SOME CALCULATIONS THAT I PUT TOGETHER.

SO WITHIN 4%. PLUS THE OFFERED MITIGATION OF ADDITIONAL LAND TO BRING THE COMPOSITE IMPERVIOUS COVER THAT OF THE SITE PLUS THE MITIGATION LAND DOWN TO 115%, IS THAT CORRECT?

-- DOWN TO 15%.

THAT IS CORRECT.

THAT'S CORRECT, THAT'S THE PROPOSAL.

SO THE TRADEOFF THERE IS A VERY SMALL INCREASE IN ACTUAL IMPERVIOUS COVER, IN EXCHANGE FOR -- FOR ADDITIONAL LAND TO BRING THAT COMPOSITE DOWN TO -- ACTUALLY TO S.O.S. AND THE RECHARGE ZONE.

THAT'S CORRECT. WE ARE EXCITED ABOUT THE OPPORTUNITY TO BE ABLE TO PURCHASE SOME LAND WITH THE ASSISTANCE OF AISD, ACTUALLY LOOKING AT PARCELS AS WE SPEAK. IN FACT, ONE OF THE PARCELS THAT WE ARE OPTIMISTIC WE MAY BE ABLE TO ACQUIRE IS THE VERY TRACT THAT AISD WAS TRYING TO LOOK AT INITIALLY. AND THAT'S OVER THE RECHARGE, UPSTREAM OF SOME SIGNIFICANT RECHARGE FEATURES. AND WITHOUT DISCLOSING THE EXACT SITE, WE ARE STILL ATTEMPTING TO -- TO LOOK AT THAT SITE AND HOPEFULLY WE WILL BE ABLE TO ACQUIRE IT WITH THE ASSISTANCE OF THE MONEY FROM AISD.

Leffingwell: SO THE ONLY CHANGE SOUGHT BY AISD TO THE EXISTING IN FORCE AGREEMENT IS THE DEAL WE JUST DISCUSSED ON KIKER. IS THAT THE ONLY SITE CHANGE

SOUGHT BY THEM. >

I JUST WANT TO MAKE SURE THAT IT'S CLEAR. THE REAL TWO SIGNIFICANT THINGS THAT THEY ARE ASKING FOR ARE, ONE, IS IF THERE IS A CONFLICT BETWEEN THIS AGREEMENT AND THE DEVELOPMENT AGREEMENTS, THEY WANT TO BE ABLE TO FOLLOW THE BRADLEY OR STRATUS AGREEMENTS. WHERE THEY ARE BASICALLY HAVING TO PURCHASE LAND AND IMPERVIOUS COVER SEPARATELY. SO THE SITE MAY OR MAY NOT BE ABLE TO COMPLY WITH THE 25% AND THAT IS A CONCERN FOR AISD GIVEN THAT THOSE AGREEMENTS COULD ALREADY COMPLY ON AN OVERALL BASIS. THAT AND THE KIKER ADDITION ARE THE TWO MAJOR FEATURES OF THIS -- MAJOR FEATURES OF THIS AGREEMENT.

Leffingwell: THOSE ALREADY HAVE IMPERVIOUS COVER ALLOTTED.

CORRECT.

Leffingwell: SO I UNDERSTAND THAT. BEFORE BUT THE TWO SCHOOLS, THE PROPOSAL TO ROLL BACK TWO SCHOOLS FROM 50% ALLOWED IN THE CURRENT AGREEMENT TO 25%, THAT WAS ADDED ON BY THE ENVIRONMENTAL BOARD, THAT WAS NOT PART OF THE DISCUSSION BETWEEN YOU AND AISD OR -- >> [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ENTER

ENTERTAIN A MOTION? ITEM 45. > I WOULD MOVE WE APPROVE THE STAFF AND PLANNING COMMISSION RECOMMENDATION.

MOTION MADE BY COUNCILMEMBER DUNKERLY AND SECONDED BY COUNCILMEMBER McCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE -- STAFF AND PLANNING COMMISSION RECOMMENDATIONS. ITEM 45. FURTHER COMMENTS?

COUNCILMEMBER KIM.

I JUST WONDERED IF WE COULD HAVE THE PERSON FROM

AI SD -- I FORGET YOUR NAME, I HAVE A QUESTION.

MR. ROBERTSON, WELCOME BACK.

THANK YOU. YOU HAVE A LOT OF PORTABLES OVER THE RECHARGE ZONE FOR THE SCHOOL DISTRICT AND SOMEONE INFORMED ME THERE ARE ABOUT 100,000 SQUARE FOOT IN PORTABLES OVER THE AQUIFER, AND THE RECHARGE ZONE SPECIFICALLY. I WAS WONDERING IF AI SD -- WONDERING IF AI SD MIGHT BE INTERESTED IN TALKING WITH THE CITY ABOUT A LONG-TERM SOLUTION TO THIS PROBLEM.

SURE, WE REALLY SEE PORTABLES AS KIND OF A NECESSARY EVIL. AND JUST TO ILLUSTRATE, FOR EXAMPLE, IN THE BRADLEY AND STRATUS AGREEMENTS WHICH COUNCIL APPROVED AND FELT WERE IN THE BEST INTERESTS OF THE BARTON SPRINGS ZONE, THERE WERE 4,730 UNITS. IN THOSE AGREEMENT WITH RESPECT TO THE DEVELOPERS AND THE STAKEHOLDERS THEY ACTUALLY RECEIVED THE OPPORTUNITY TO HAVE TWO ELEMENTARY SCHOOLS AND TO PURCHASE A MIDDLE SCHOOL. WELL, THE BRADLEY AGREEMENT WAS IN THE YEAR 2000 AND PROBABLY ABOUT 1500 OF THOSE UNITS IN THE AGREEMENT HAVE BEEN DEVELOPED. SO OUR SCHOOLS IN MILLS AND KIKER PRIMELY IN THE AREAS COVERED BY THOSE AGREEMENTS THEY ARE OVERCROWDED. AND TO THAT EXTENT, THEN PORTABLES WILL BEING USED TO DEAL WITH THAT OVERCROWDING. AS WE ARE ABLE TO FUND AND BUILD THESE NEW SCHOOL, THEY WILL REDUCE THAT. AS MR. WILL HEWELL POINTED OUT, THE COVER IS REDUCED AND THEN WE HAVE THE SCHOOL IN THERE BEHIND SOUTHWEST ELEMENTARY SCHEDULED TO OPEN NEXT FALL. SO WE MAY BE ABLE TO KEEP UP IT. THE QUESTION WILL BE WAS TWO ELEMENTARY SCHOOLS AND A MIDDLE SCHOOL REALLY ADEQUATE TO DEAL WITH THE AMOUNT OF THE UNITS APPROVED? HOPEFULLY, ALTHOUGH, IF NOT, WE'LL HAVE TO GO BACK AND FUND AND TRY TO KEEP UP WITH THAT ON A REGULAR BASIS, BUT THAT CERTAINLY IS OUR INTENT. I THINK WE ARE DOING A MUCH BETTER JOB TODAY AS ANTICIPATING DEVELOPMENT AND TRYING TO STAY UP WITH IT, ALTHOUGH, I WILL SAY IT'S ALWAYS BEEN A PROBLEM FOR ME THAT OVER IN YOUR WORLD IN THE CITY,

THERE SEEMS TO BE AN UNDERSTANDING THAT REGULAR CAPITAL INVESTMENT IS NEEDED. I GUESS IT'S BECAUSE YOU HAVE THAT STREET INFRASTRUCTURE AND THE LIKE. FOR SOME REASON IN THE SCHOOL BUSINESS, YOU HAVE TO KNOW THAT KIDS ARE ACTUALLY SUFFERING IN ORDER TO GET PEOPLE TO ADDITIONAL SCHOOLS. BUT OUR INTENT IS TO PLAN WELL AND TRY TO KEEP UP AND REDUCE OUR NEED TO USE PORTABLES.

SURE. BUT WE COULD HAVE A DISCUSSION ABOUT SCHOOL FINANCE, BUT I DON'T THINK WE WANT TO DO THAT TONIGHT. WE HAVE A LOT OF PEOPLE SET TO TESTIFY ON OUR -- OTHER ISSUES, BUT I WOULD LIKE TO WORK WITH YOU TO DEAL WITH THE GROWING POPULATION BUT ALSO THE FACT THAT WE HAVE A LOT OF KIDS IN PORTABLES AND WE ALSO HAVE ENVIRONMENTAL CONCERNS AS WELL.

CERTAINLY.

THANK YOU.

THANK YOU.

FURTHER COMMENTS AND QUESTIONS? WE HAVE A MOTION ON THE TABLE TO APPROVE STAFF AND PLANNING COMMISSION RECOMMENDATION NOTING THAT MY UNDERSTANDING IS THIS BEING AN AMENDMENT TO THE SAVE OUR SPRINGS INITIATIVE IT REQUIRES SIX VOTES, CORRECT?

THAT IS CORRECT, MAYOR.

COUNCILMEMBER ALVAREZ.

ONE MORE QUESTION, IN TERMS OF THE KIKER SIDE WHICH IS WHAT PROMPTED THIS DISCUSSION, A DISCUSSION ABOUT THE PROPOSED CHANGES TO THE AGREEMENT, IN TERMS OF WATER QUALITY AND HOW THEY'RE GOING TO -- ON THE KIKER SIDE WHAT IS GOING TO BE DONE IN TERMS OF THE WATER QUALITY ISSUE

THE DEVELOPMENT STANDARDS AGREEMENT EVEN THOUGH THERE MAY BE EXCEPTIONS TO THE AGREEMENT AND THE

SCHOOLS ON THE SITE REQUIRE A NO DISCHARGE WATER QUALITY CONTROL, THE SAME TYPE OF CONTROL THAT SOS CURRENTLY REQUIRED IN OUR REGULATIONS AND THAT WOULD BE THE SAME FOR THE KIKER ADDITION AS WELL. THE AREA OF THE ADDITION IS BEING TREATED TO THE NONDEARE A DAITION STANDARDS OF OUR CURRENT CODE.

THE CURRENT CODE.

YES.

NOT THE CODE BACK WHEN --

WHEN THE SCHOOL WAS BUILT, IT COMPLIED WITH THE CURRENT CODE AT THAT TIME.

THANK YOU, MAYOR. MR. MURPHY, REALLY, I WANT TO THANK YOU FOR YOUR WORK ON THIS AND EVERYONE FOR THEIR PARTICIPATION. THE BIG ISSUE FOR ME, IT WAS BEING DEBATED BEFORE I ARRIVED ON THE DMOINL 2000, AND SO I REALLY HAVEN'T HEARD MUCH OPPOSITION TO THE IDEA OF USING MITIGATION, AT LEAST IN THIS PARTICULAR SITE WITH REGARD TO KIKER. IF THAT ISSUE EVER COMES UP FOR ANY OTHER SITES THEN IT WILL HAVE TO BE REVISITED IN TERMS OF, YOU KNOW, POSSIBLY FURTHER AMENDING THE AGREEMENT. BUT WHAT IS BEING PROPOSED JUST EFFECTS THAT ONE KIKER ELEMENTARY SCHOOL SITE AND FOR THAT REASON I'M GOING TO BE SUPPORTING THE AMENDMENT. AND IT IS, YOU KNOW, AN AMENDMENT TO SOS WHICH REQUIRES A SUPERMAJORITY. WE DON'T CONSIDER MANY AMENDMENTS TO SOS, THERE ARE VERY FEW AGREEMENTS THAT HAVE RECEIVED THE NECESSARY NUMBER OF VOTES, BUT I BELIEVE -- YOU KNOW, IT'S APPROPRIATE AND SEEMS LIKE BASED ON THE INPUT WE'VE RECEIVED THAT IT HASN'T CREATED A HECK OF A LOT OF HEARTBURN, BUT OTHER ISSUES I THINK HAVE COME UP ABOUT OTHER SCHOOL SITES AND THEN THE POTENTIAL IMPACT THEY MIGHT HAVE AND HOPE THAT THE SCHOOL DISTRICT CAN WORK WITH US TO MITIGATE THE IMPACTS OF THOSE PARTICULAR SCHOOLS WHEN THEY ARE DEVELOPED. AND MAYBE, YOU KNOW, A FURTHER DISCUSSION OF MITIGATION IN TERMS OF THE SCHOOL SITES AND THEIR DEVELOPMENT MAY HELP BRING THOSE DOWN, MAYBE IF THE SCHOOL DISTRICT

WANTS TO EXPAND ON CERTAIN SITES THAT ARE NOT EXEMPT FROM THE AGREEMENT, THEN MAYBE BY REDUCING IMPERVIOUS COVER ON SOME OF THE OTHER SITES, AGAIN, THAT MAY BE A WAY TO HELP THE SCHOOL DISTRICT MEET ITS NEEDS, BUT SEEMED TO ME THAT WAS BEYOND THE SCOPE OF THIS PARTICULAR ISSUE WE ARE CONSIDERING, WHICH IS THE KIKER SITUATION. WE STARTED OFF, YOU KNOW, WITH A REQUEST FROM THE SCHOOL DISTRICT TO MITIGATE DOWN TO # 5% AND -- DOWN TO 25% AND WE ARE ACTUALLY MITIGATING DOWN TO 15, THE SOS REQUIREMENT AND THANK IS MORE IN LINE -- AND I THINK THAT IS MORE IN LINE WHEN WHAT WE'VE DONE IN THE PAST, AND AGAIN I'LL BE SUPPORTING THAT, AND THANK YOU, MR. MURPHY --

THANK YOU.

-- FOR LAYING OUT THE ISSUES FOR US.

COUNCILMEMBER LEFFINGWELL.

I THINK WE ALL KNOW ABOUT THE FINANCIAL OBSTACLES PLACED IN THEIR WAY BY OTHER ENTITIES, SO THEY DO DESERVE SPECIAL CONSIDERATION. THIS CHANGE TO ME ONLY AFFIRMS THE EXISTING AGREEMENT TO MAINTAIN 25% WITH THE EXCEPTIONS THAT ARE ALREADY IN THE PREVIOUS AGREEMENT AND IT IMPROVES THE SITUATION AT KIKER. AS COUNCILMEMBER ALVAREZ JUST SAID WE ARE REDUCING THE MISS GAITION DOWN TO 15% WITH VERY LITTLE CHANGE IN IMORVE ON -- IMPERVIOUS COVER ON THE GROUND, AND WE HAVE TO REALIZE THAT AISD DOES HAVE A GOOD LONG-STANDARD -- LONG-STANDING RECORD OF DEALING IN GOOD FAITH, AND IT'S A GOOD CIVIL USE AND I'LL BE SUPPORTING ALSO.

COMMENTS? DISCUSSION? THERE IS A MOTION ON THE TABLE TO APPROVE STAFF AND PLANNING COMMISSION RECOMMENDATION, HEARING NONE, IN ALL FAVOR SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THAT TAKES US TO A QUICK PUBLIC HEARING ON ITEM 44. FLAD PLAIN -- FLOODPLAIN VARIANCE.

THE ITEM BEFORE YOU IS TO CONDAWKT PUBLIC HEARING TO CONSIDER VARIANCE REQUESTS BY JOEL MITCHELL TO

ALLOW CONSTRUCTION OF AN ADDITION TO A SINGLE-FAMILY RESIDENCE AT 1505 PARM WAY IN THE 25-YEAR AND 100-YEAR FLOODPLAINS OF SHOAL CREEK AND TO WAIVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL LIMIT OF THE 100-YEAR FLOODPLAIN FOR THE FOOTPRINT OF THE RESIDENCE. I'M GOING TO MOVE TO MY PRESENTATION. TO GET YOU ORIENTED THIS IS A VIEW OF THE AREA WITH THE SUBJECT PROPERTY HIGHLIGHTED AND A RED POLYGON HERE, HERE IS NORTH LAMAR BOULEVARD, AND 15TH STREET AND SHOAL FLOWING NORTH SOUTH AND THE REAR OF THE LOT ABUTS DIRECTLY ON TO SHOAL CREEK. THE BLUE AREA IS THE EXTENT OF THE 25-YEAR FLOODPLAIN AND THE LIGHTER SHADED AREA OUTSIDE OF THAT IS THE EXTENT OF THE 100-YEAR FLOODPLAIN. GOING IN --

COUNCILMEMBER LEFFINGWELL.

COUNCILMEMBER ALVAREZ COULDN'T TELL THE DIFFERENCE BETWEEN THE 100 AND THE 25-YEAR.

HERE THERE IS A LITTLE MORE DISCRIMINATION. IN THIS PARTICULAR PORTION OF THE WATERSHED THERE IS NOT MUCH DIFFERENCE BETWEEN THE 25 AND THE 100-YEAR FLOODPLAINS BUT YOU CAN SEE THIS GOES ALL THE WAY FROM THE CREEK TO -- IN FRONT OF THE EXISTING RESIDENCE. THE YELLOW AREA BEING THE AREA THAT IS TARGETED FOR THE NEW CONSTRUCTION. THE 100-YEAR FLOODPLAIN GOES FROM THE EDGE OF THE BLUE OUT TO THE LIGHTER SHADED AREA, ALMOST COMING TO THE FRONT OF THE LOT. AND WHAT IS DIFFERENT ABOUT THIS SITUATION AND THE VARIANCES I'VE BROUGHT TO YOU OVER THE PAST COUPLE OF MONTHS IS THAT THE ROADWAY ITSELF IS CLEAR DURING A 100-YEAR EVENT BUT THERE IS SIGNIFICANT DEPTH OF WATER AT THE FRONT OF THE PROPERTY.

OKAY.

SO SUMMARIZE THE APPLICATION'S REQUEST IS TO CONSTRUCT A 676 SQUARE FOOT ADDITION TO AN EXISTING 4320 SCOOT RESIDENCE IN BOTH THE 25 AND 100-YEAR FLOODPLAINS AND TO EXCLUDE THE BUILDING FOOTPRINT

FROM THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT.

ALL RIGHT,.

STAFF IS RECOMMENDING DENIAL FOR THE FOLLOWING REASONS. TO CONSTRUCT A BUILDING THERE MUST BE ENCROACHMENT WITHIN THE FLAD -- FLOODPLAIN WHICH IS -- AND OBVIOUSLY TO CONSTRUCT A BUILDING IN THE AREA, THE EASEMENT SHOULD BE WAIVED. A SAFE AND DRY ACCESS IS ONE OF THE MAJOR ISSUES HERE, THE WATER IN FRONT OF THE HOUSE IS ABOUT 1.2 FEET FLOWING AND WE'VE WORKED UP TO ONE FOOT OF DEPTH BUT THIS IS A BIT OVER OUR COMFORT LEVEL, IN THE REAR THE LAND IS HIGHER BECAUSE IT'S SLOPING TOWARD THE CREEK, WATER UP TO 3.4 FEET DEEP AT THE REAR OF THE STRUCTURE FLOWING ABOUT 6 FEET PER SECOND AND OBVIOUSLY THE INCREASE IN SQUARE FOOTAGE OFFERS INCREASED OKAY NEANS THE FLOODPLAIN. THERE IS NO HARDSHIP ON THE PROPERTY BECAUSE THERE IS ALREADY ECONOMIC USE AND THAT IS ONE OF THE CODES REQUIREMENTS FOR GRANTING A VARIANCE. AS FAR AS HISTORICAL FLOODS IN THE VICINITY, THIS IS UNUSUAL. THIS DID FLOOD IN 1981. IT WAS PURCHASED BY THE CURRENT OWNER AFTER THAT AND ELEVATED. SO A NEW FOUNDATION WAS CONSTRUCTED. THE CURRENT STRUCTURE EXCEEDS OUR MINIMUM ELEVATION REQUIREMENTS. AND SUBSEQUENT TO BEING ELEVATED THERE HAS BEEN WATER IN THE BASEMENT ONCE, MAYBE TWICE, AND THIS AREA IS FLOOD PROAN BUT THE OWNER DID TAKE THE ACTION TO ELEVATE THE EXISTING STRUCTURE. SO DIEWRING A -- DURING A FLOOD EVENT THE PEOPLE IN THE STRUCTURE MAY BE ISOLATED BY BEING SURROUNDED BY WATER BUT THERE WOULDN'T BE WATER IN THE HOUSE UP TO A 100-YEAR FLOOD EVENT. ONE OF F OF OUR FAVORITE MEDIA SHOTS THIS IS A COUPLE OF BLOCKS AWAY FROM THE SUBJECT PROPERTY. MANY OF YOU HAVE SEEN THIS. THIS IS WHERE OUR MEDIA GOES IN EXAMINE -- EXTREME FLOOD EVENTS, THIS IS A FEW BLOCKS AWAY FROM MIRAMAR BOULEVARD. SO THAT CONCLUDES MY PRESENTATION, QUESTIONS?

QUESTIONS OF STAFF COUNCIL? COMMENTS? IF NOT WE'LL

SEE IF WE HAVE -- ONE SPEAKER SIGNED UP WHO WOULD LIKE TO ADDRESS US IN FAVOR OF THIS VARIANCE. THERE WELLS TEAGUE.

WELCOME, YOU HAVE THREE MINUTES.

THANK YOU, MAYOR. MEMBERS OF COUNCIL. MAYOR PRO TEM. THE PRIMARY DIFFERENCE BETWEEN THIS PROPERTY AND OTHER PROPERTIES THAT YOU MAY HEAR ABOUT IS -- HAS BEEN ADEQUATELY PRESENTED BY CITY STAFF. AND, BY THE WAY, I CERTAINLY APPRECIATE THEIR VISITS WITH ME IN HELPING TO INTERPRET THE CITY CODES. THEY'VE BEEN VERY HELPFUL. THE PERTINENT FACTS ARE THAT THE LIVING AREA OF THE HOUSE IS ELEVATED ABOUT TWO AND A HALF FEET ABOVE THE 100-YEAR FLOODPLAIN. THE SLAB THAT THE ADDITION IS PROPOSED FOR IS AT THAT SAME LEVEL. THE OWNER PRESENTLY AND FOR MANY YEARS HAS USED THAT SLAB AS A DECK. HE HAS HAD A RAIL AROUND IT AND USE IT IS AS OUTDOOR LIVING AREA, AND HE IS COVERING IT NOW WITH HEATED AND COOLED AREA. AND YOU WILL SEE ON THE PICTURES ON YOUR HANDOUT, THIS IS PAGE 4, AND I'LL BRIEFLY GO THROUGH THESE WHAT WE ARE TRYING TO SHOW HERE. THE STEPS THAT YOU SEE BESIDE THE PICKUP ARE COMING DOWN FROM THE FLOOR LEVEL, FROM THE FINISHED FLOOR LEVEL. TO THE LEFT IS WHERE THE SLAB WILL GO -- WHERE THE ADDITIONAL WILL GO, AND ON THE NEXT PAGE, PAGE 5, YOU'LL SEE THAT SLAB ON THE LEFT-HAND SIDE OF THE HOUSE. SO THAT IS WHERE THE ADDITION WILL GO. THE NEXT PICTURE ON THE BOTTOM OF PAGE 5 SHOWS THAT SAME SLAB FROM THE REAR. AND YOU'LL SEE WINDOWS IN THE BOTTOM OF THAT ELEVATED STRUCTURE WHERE HE KEEPS HIS STORAGE AND THE CITY STAFF HAS GONE OUT AND LOOKED AT THAT AND IT'S FULL OF HIS STUFF. THE STRUCTURE HAS BEEN CHECKED BY A STRUCTURAL ENGINEER, IT WAS DESIGNED BY A STRUCTURAL ENGINEER AND THERE'S BEEN A RECENT CERTIFY WHICH IS IN THE CITY'S FILE. THE OWNER WOULD LIKE TO BUILD THIS ADDITION FOR THE FOLLOWING REASON: HE HAS SOME SIGNIFICANT HEALTH CHALLENGES AT THE PRESENT TIME. HIS BEDROOMS ARE ON THE UPPER FLOOR WITH A LONG STRETCH OF STAIRS, AND BEFORE HE GETS TO WHERE HE CAN'T CLIMB THOSE STAIRS HE WANTS TO PUT HIS ADDITION ON TO HIS HOUSE, SO THAT IS NOT A

FEMA -- THAT DOESN'T MEET FEMA'S DEFINITION OF A HARDSHIP, WHICH IS ONLY RELATED TO THE LAND, BUT THAT IS HIS REASON FOR REQUESTING TO BE ABLE TO GO AHEAD AND BUILD THIS STRUCTURE. THANK YOU.

ASK ANY QUESTIONS THAT YOU WOULD LIKE.

QUESTIONS OF MR. TEAGUE, COUNCIL. ALL RIGHT, SO THE SLAB IS ALREADY OUT OF THE FLOODPLAIN AND IT'S ALREADY BEING USED AS OUTDOOR --

CORRECT.

-- RECOGNIZE -- RECREATION.

AND REMIND ME WHAT IS THE --

660 SQUARE FOOT.

AND THE EXISTING HOME?

SEVERAL THOUSAND.

YES, CITY FIGURES KNOW ABOUT 4400 AND I THINK THAT INCLUDES THE BASEMENT THAT HE USES FOR STORE THAJ YOU'RE LOOKING AT ON THE SCREEN.

IT'S CALLED A 13% INCREASE IN THE SQUARE FOOTAGE OF THE HOME, BUT CONTINUES TO BE ABOVE THE FLOODPLAIN.

CORRECT.

OKAY, THANK YOU. OTHER QUESTIONS OR COMMENTS?
THANK YOU, SIR.

THANK YOU.

QUESTION ORS STAFF? I'LL SAY I THINK WE'VE SEEN EVERY CONSEVERABLE VARIANCE OF THESE FLOODPLAIN REQUESTS AND SOME WE APPROVE AND SOME WE DENY, AND OVEN OFTENTIMES IT'S ELEVATED ABOVE AND SOMETIMES NOT, AND SOMETIMES THE EMERGENCY ACCESS IS WELL WITHIN THE FLOODPLAIN AND SOMETIMES

NOT, SOMETIMES IT'S COMPLETELY NEW CONSTRUCTION, AND IN THIS CASE I WOULD ARGUE IT'S NOT AND THAT THE SLAB EXISTS, ATTACHED TO THE HOUSE SO I SEE THIS AS ONE OF THOSE -- AN ADDITIONAL VARIANCE OF THE LONG-STANDING DEBATE WE HAVE ABOUT THE ABILITY TO ALLOW FOLKS TO MAXIMIZE IN AN APPROPRIATE WAY THE USE OF THEIR HOME KNOWING FULL GOOD AND WELL WHERE THE FLOODPLAIN IS. I WILL JUST SAY I SEE SOME -- I SEE RATIONALE FOR THIS VARIANCE APPROVAL WITH ALL DUE RESPECT TO STAFF. I KNOW HOW GUARDED STAFF HAS TO BE OF HIS REQUESTS. ONE OF THE THINGS WE GET JUDGED AS A CITY ON IS, YOU KNOW, HOW STRINGENT WE ARE WITH DEVELOPMENT IN AND AROUND FLOODPLAINS BECAUSE OF THE FEDERAL FLOOD INSURANCE AND OUR ISSUES SO IT'S A VERY IMPORTANT ISSUE BUT AGAIN WE SEE SO MUCH VARIANCE WITHIN THE SPECTRUM OF WHAT PEOPLE REQUEST OF US, AND THE FLOOD PLAIN, THIS ONE I BELIEVE IS REASONABLE BUT COMMENTS?

I'M GOING TO SUPPORT THIS ALSO, IT'S NOT A SITUATION WHERE THERE IS A REQUEST TO EXTEND SOMETHING -- EXTEND SOMETHING. THERE IS AN EXISTING STRUCTURE AND WE WANT TO ADD ON TOP, AND IT'S ALREADY THERE.

MAYOR.

MAYOR PRO TEM.

TO THE GENTLEMAN REPRESENTING, DO YOU TELL US HOW LONG THAT SLAB -- HOW LONG HAS THE SLAB BEEN IN PLACE?

IT WAS NOT PLACE IN THE -- PUT IN PLACE IN THE EARLY 80 AS A PART OF THE PROCESS OF RAISING THE HOUSE UP OUT OF THE FLOODPLAIN AFTER THE MEMORIAL DAY FLOOD OF 1981.

OKAY.

SO I WOULD SAY APPROXIMATELY '82 OR '83.

AND DOES THE OWNER FEEL THAT SLAB IS STURDY ENOUGH

TO PUT WHAT HE WANTS TON.

YES, AND AS WE SAID, IT'S BEEN VERIFIED BAY STRUCTURAL ENGINEER AND IT'S IN THE CITY'S FILE FOR A BUILDING PERMIT.

THANK YOU.

THANK YOU, QUESTIONS OR COMMENTS? THESE ARE ALWAYS DIFFICULT CASES, I WILL ENTERTAIN A MOTION ON ITEM 44.

MAYOR, I MOVE TO ALLOW THEM TO PUT THE STRUCTURE ON THE VARIANCE -- APPROVE THE VARIANCE.

MOTION MADE BE THE VICE-MAYOR PROAT TO CLOSE THE HEARING AND APPROVE THE VARIANCE. SECONDED BY COUNCILMEMBER McCRACKEN.

OTHER COMMENTS?

THANK YOU, MAYOR.

COUNCILMEMBER ALVAREZ.

I'VE BEEN VERY CAUTIOUS ABOUT APPROVING THESE IN THE FLAD FLOODPLAINS AND I'M NOT GOING TO BE ABLE TO SUPPORT THIS MOTION.

COUNCILMEMBER LEFFINGWELL.

SHOAL CREEK IS ONE OF THE TWO WORST FLOODING CREEKS IN THE CITY AND I DON'T THINK WE SHOULD BE DOING ANYTHING TO ENCOURAGE ADDITIONAL BUILDING IN THE FLOODPLAIN OF THAT WATERSHED. I HAVE NOT HEARD A DETAILED EXPLANATION OF THE HARDSHIP, STAFF SAYS THEY HAVE FOUND NO HARDSHIP AND THEREFORE THE FINDINGS OF FACT ARE NOT MET AND I WILL NOT SUPPORT THE MOTION.

FURTHER COMMENTS? QUESTIONS? WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE THE VARIANCE REQUEST. HEARING NO FURTHER COMMENTS, ALL THOSE IN

FAVOR SAY AYE. OPPOSED?. SO I BELIEVE THE MOTION PASSES ON A VOTE OF 4-2 WITH COUNCILMEMBERS ALVAREZ AND LEFFINGWELL VOTING NO AND COUNCILMEMBER DUNKERLY ABSTAINING. MOTION APPROVED, THANK YOU VERY MUCH. SO, COUNCIL THAT TAKES US TO ITEM -- I BELIEVE, THIS IS OUR LAST ITEM, ITEM 43 IS A CONTINUATION OF THE PUBLIC HEARING WE BEGAN LAST THURSDAY FOR LACK OF A BETTER TERM, REGARDING McMANSIONS AND WE WOULD WELCOME -- WELCOME A STAFF PRESENTATION -- GO AHEAD, SO COUNCIL, I WAS JUST REMINDED THAT SINCE THAT WAS AN ORDINANCE AND IT DID PASS ON A VOTE OF 4-2-1 IT TAKES FIVE VOTES FOR APPROVAL ON ORDINANCE AND THAT WOULD BE FIRST READING ONLY AND WE'LL TAKE UP THE ITEM AGAIN AT NEXT POSTING. THANK YOU, ALL. SO, AGAIN, A STAFF PRESENTATION -- BOTH A REVIEW OF WHERE WE ARE AND PERHAPS WHAT HAS BEEN ACCOMPLISHED SINCE THURSDAY, RECORDING THIS PORTION OF AN -- RECORDING THIS CONSIDERATION OF AN ORDER NARNS.

THANK YOU, MAYOR. LAST WEEK YOU PASSED ON FIRST READING AN ORDINANCE FOR DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY USES IN AUSTIN AND WE WOULD LIKE TO GO BACK THROUGH WHAT THE REGULATIONS DID AND WHO THEY AFFECTED IN AUSTIN. THE REGULATIONS WERE INTENDED TO BALANCE THE INTERESTS OF THOSE WHO WANT TO EITHER BUILD HOUSES BY DEMOLISHES OR ADDING ON AND WE WERE TRYING TO BALANCE THAT WITH THE FABRIC OF OUR NEIGHBORHOODS AND ALSO THAT OUR INFRASTRUCTURE IS ALREADY STRESSED IN THE URBAN CORE. THE REGULATIONS YOU VOTED ON ON FIRST READING WENT INTO EFFECT ON FRIDAY, FEBRUARY 10 AND HAVE BEEN IN AFFECT FOR A WEEK. ON TUCSON, THE 14TH THE -- ON TUESDAY, THE 14TH THE PLANNING COMMISSION PASSED THOSE AND PASSED ON A 6-1 VOTE ON THE BEFORE YOU TONIGHT IS THE ORDINANCE YOU PASSED ON FIRST READING LAST WEEK. THE INTERIM REGULATIONS IS LIMITED TO THE GREATER OF THREE THINGS. A .4:1 AREA RATIO OR 25 GREATER SQUARE FOOTAGE THAN WAS EXISTING WITH THE STRUCTURE, SO IT'S THE LARGEST OF THOSE THREE NUMBERS. FOR REMODELLING THE FINAL SIZE IS THE GREATER OF A .4 DLN:1, OR 2500 SQUARE FOOT OR AGAIN

T'S THE GREATER OF THOSE THREE THINGS. THAT IS IN ESSENCE THE REGULATIONS PASSED LAST THURSDAY ON FIRST READING. THESE REGULATIONS APPLY FOR SUBDIVISIONS APPROVED PRIOR TO MARCH 7, 1974 THE DATE ON WHICH THE CITY COUNCIL PASSED ITS STILL-IN-PLACE COMPREHENSIVE DRAINAGE REGULATIONS AND DO NOT APPLY TO ANYONE WHO FILED FOR A REMODELLING, DEMOLITION OR BUILDING PERMIT BY FEBRUARY 10, THEY ARE NOT IN THE NEW REGULATIONS FIREFIGHT DOES NOT APPLY TO REPAIR PERMITS, PLUMBING OR ELECTRICAL AND THERE IS A VARIANCE WHERE THE REGULATIONS CREATE AN UNDUE HARDSHIP OR WHERE ON-SITE DRAINAGE FACILITIES -- DRAINAGE FACILITIES CAN RESOLVE ISSUES. THE COUNCIL ASKED US TO DO SEVERAL THINGS LAST THURSDAY, ONE WAS TO CREATE AS SHORT A WAIVER PROCESS AS POSSIBLE AND IN THE ORDINANCE BEFORE YOU THIS EVENING THERE IS A 10-DAY WAIVER PROCESS, SO FROM THE TIME AN APPLICATION IS SUBMITTED WE ARE GIVEN 10 DAYS TO HAVE THAT BEFORE THE CITY COUNCIL APPROVAL OF DENIAL. AND YOU ALSO ASKED US TO CREATE AS MUCH STAKEHOLDER PROCESS AS WE COULD LAST WEEK AND WE PUT UP A WEBSITE TO EXPLAIN BOTH THE REGULATIONS, THE APPLICABILITY AND THE FLORIDA AREA CALCULATOR, SO FOR PEOPLE WHO DID NOT KNOW HOW TO CALCULATE THE FIRST OF THE -- HOW TO CALCULATE THE FIRST OF THE CRITERIA THEY COULD GO TO THE CALCULATOR AND CALCULATE THAT ACCORDING TO THE LOT SIZE. YOU MAY BE SURPRISED TO KNOW WE'VE HAD 18,000 HITS ON THAT WEBSITE AND FOR THAT CALCULATOR SINCE MONDAY, SO IT'S BEEN HEAVILY USED. THERE IS ALSO A FREQUENTLY ASKED QUESTIONS AND A WAY TO SIGN UP TO YOU RECEIVE MEETING NOTICES AND OF COURSE A DESCRIPTION OF THE REGULATIONS AS THEY PASSED LAST WEEK. YOU ALSO ASKED US TO PUT TOGETHER A STAKEHOLDER PROCESS INCLUDING A TASK FORCE AND THE COUNCIL THIS EVENING WILL CONSIDER THE COMPOSITION OF A TASK FORCE TO CONSIDER THIS ISSUE AND WE'VE SCHEDULED TENTATIVELY A MEETING FROM 1:00 TO 3:00 TOMORROW IN THIS COUNCIL CHAMBERS THE FIRST MEETING ON THE ISSUE. AND OF COURSE THEIR TASK IS TO COME UP WITH PERMANENT REGULATIONS ON THIS ISSUE BEFORE MAY 7 WHERE THE COUNCIL IS EXPECTING TO SEE --

WHERE THE COUNCIL IS EXPECTING TO SEE PERMANENT REGULATIONS. THE REVISIONS THAT YOU HAVE BEFORE YOU THIS EVENING, THE ONLY DIFFERENCE BETWEEN WHAT WAS PASSED THIS WEEK AND THIS EVENING IS THE INCLUSION OF THE 10-DAY WAIVER PROCESS TO MAKE THAT AS QUICK AS POSSIBLE, THE ADDITION OF DUPLEXES AND THE ADDITION OF A WAIVER PROVISION FOR APPLICANTS WHO PROVIDE APPROPRIATE DRAINAGE FACILITIES ON SITE. OTHER THAN THAT, THE ESSENCE OF THE ORDINANCE IS THE SAME, STILL BASED ON THE FLORIDA AREA RATIO, AND THE INCREASE IN SQUARE FOOTAGE AND THE 2500 SQUARE FEET. WE HAVE STAFF HERE THIS EVENING THAT CAN SHOW YOU THE WEBSITE, THERE WAS SOME INTEREST IN THAT AND ANSWER QUESTIONS. EVE DONE SURVEYING OF OTHER CITIES TO SEE HOW THEY HAVE HANDLED THIS ISSUE AND ANY OTHER QUESTIONS.

WELL, FOR ONE I WOULD BE CURIOUS TO SEE WHAT OTHER CITIES HAVE DONE. I KNOW THIS IS NOT JUST STATE-WIDE BUT NATIONALLY, WHAT HAVE WE FOUND OUT.

I BELIEVE THAT GREG GUERNSEY IS GOING TO MAKE THAT PRESENTATION.

WELL, MR. GUERNSEY.

GOOD EVENING, AGAIN. WE'VE TAKEN A LOOK AT QUITE A FEW DIFFERENT CITIES. INTERESTINGLY ENOUGH WE HAVEN'T FOUND MANY THAT HAVE ACTUALLY IMPLEMENTED ACTUAL ORDINANCES TO DEAL WITH LARGER HOMES. A LOT OF THE REGULATIONS, A LOT OF THE CITIES WE TALKED TO HAVE AN INTEREST AND THERE ARE CERTAINLY DIFFERENT WEBSITES THAT HAVE SPOKEN TO THIS, AND TER REL AND -- ALAMO HEIGHTS HIRED A LOCAL INFIRM AWS TON LOOK AT THE -- AUSTIN TO LOOK AT THE ISSUES. BUT SOME OF THE CITIES THAT DID IMPLEMENT REGULATIONS -- LET ME START WITH SCARLSDALE NEW YORK AND THEY HAVE ELIMINATIONS TO LOTS THAT ARE 4,999 SQUARE FOOT OR LESS AND INSTITUTED A .43 FOR LOTS BETWEEN 5,000 AND 9,999 SQUARE FOOT THERE IS A .43 FAR AND THEN THEY SUBTRACT OUT A .16 FOR EVERY PART THEREFORE IN EXCESS OF 5,000 SQUARE FEET. SO FOR OUR TYPICAL LOT SIZE YOU WOULD HAVE A .148 AND FOR A DUPLEX LOT FOR

CONSTRUCTION IT WOULD BE A .398. FAR. AND THERE ARE ADDITIONAL HEIGHT BONUSES. FOR AN ADDITIONAL FOOT THAT A HOUSE SITS BACK BEHIND THE REQUIRED YARD YOU CAN GET AN ADDITIONAL 100 SQUARE FEET OF FLOOR SPACE, AND THERE ARE OTHER BONUSES. FOR THE FLOOR AREA THAT MUST BE ADDED TO THE REAR OF AN EXISTING HOUSE AND IF IT'S AN ADDITION IT MUST COMPLY WITH THE MAXIMUM HEIGHTS AND SETBACKS OF THE CODE. AND GREENICH, CONNECTICUT IS ANOTHER. .55 IN SOME DISTRICTS, AND THEN IN THEIR LOOKS LIKE THEIR MULTIFAMILY IS .6. THERE IS A MAXIMUM FAR, OF .55 IN CERTAIN CIRCUMSTANCES WHEN APPLYING IT TO ONE FORM OF A LOT, THERE ARE SIX-LOT, AND THAT IS A 7,500 MINIMUM SIZE WHICH ALLOWS A DUPLEX USE. FULLER TON, CALIFORNIA THEY ALSO USE FAR LIMITATIONS, AND THERE THE R-1 DISTRICT IF A LOT IS 7,200 SQUARE FEET OR LESS, THE FAX MUM FAR IS .5, AND IF IT'S 7,201 TO 10,000 THE MAXIMUM FAR IS .45. IN THE R-1, THE SAME AS WE ARE TALKING ABOUT FOR THIS CITY, THE BUILDING AREA OF THE SECOND STORY IS LIMITED TO 70% OF THE BUILDING AREA CONTAINED ON THE FIRST FLOOR, SO YOU WOULD NOT BE ABLE TO BUILD THE SAME SIZE ON THE SECOND FLOOR. AND THEN THERE ARE OTHER DISTRICTS THAT THERE ARE NO REGULATIONS THAT DEAL WITH FAR FOR SINGLE-FAMILY DISTRICTS. THESE ARE JUST AFEW THAT WE WERE ABLE TO FIND IN THE TIME PERIOD WE HAD OVER THE WEEK.

THANK YOU MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL?

COUNCIL, I WOULD ALSO LIKE TO KNOW ON THE DIAS YOU HAVE FROM THE HOUSING COMMUNITY DEVELOPMENT DEPARTMENT THE ENVIRONMENTAL IMPACT STATEMENT AND I JUST WANTED TO MAKE SURE YOU KNEW THAT WAS UP THERE AS WELL AND THIS IS BASED ON THE COMMISSION'S RECOMMENDATION OF LAST TUESDAY NIGHT.

THANK YOU, MR. GUERNSEY. QUESTIONS OR COMMENTS, COUNCIL? IF NOT, WITHOUT OBJECTION WE CAN CONTINUE OUR PUBLIC HEARING. IF YOU REMEMBER -- IF I'VE DONE THE MATH CORRECTLY, WE HAD A BUNCH OF FOLKS SIGNED UP WISHING TO SPEAK LAST THURSDAY AND WE WERE ONLY ABLE TO GET THROUGH A FEW DOZEN OF THEM. WE THINK

WE HAVE A LIST OF THE FOLKS WHO SIGNED UP WISHING TO SPEAK LAST WEEK AND WERE IN FACT ABLE TO SPEAK, AND THEN WE HAVE A BUNCH OF FOLKS THAT SIGNED UP LAST WEEK ALSO WANTING TO SPEAK THAT WE DIDN'T GET TO. AND OF COURSE SINCE THEN WE NOW HAVE ADDITIONAL FOLK WHO IS HAVE SIGNED UP, WISHING TO SPEAK. MY RECOMMENDATION WOULD BE, COUNCIL, TO JUST CONTINUE TO TAKE TESTIMONY FROM THE PUBLIC AND SEE HOW FAR WE GET, AND MY INSTINCT IS SOME OF THAT TESTIMONY WILL ALLOW US TO HAVE MORE QUESTIONS OR STAFF AND/OR STAKEHOLDERS. COUNCILMEMBER KIM?

DID WE PASS THESE FAQ'S OUT?

THANK YOU FOR REMINDING ME OF THAT, THERE IS A ONE-PAGE SUMMARY OUT FONT AND WE'VE ALSO ASKED STAFF TO ACCEPT UP IN THE MEDIA ROOM BEHIND THE STAIRCASES ON THE FIRST FLOOR IF YOU HAVE SPECIFIC QUESTIONS ABOUT HOW THE REGULATIONS MIGHT AFFECT YOU. SO THAT ONE-PAGE SUMMARY AND STAFF AVAIL TO BELIEVE ANSWER QUESTIONS YOU MIGHT HAVE.

OKAY, SO WE ARE GIVING OUR SIGN-UP SYSTEM A RUN FOR ITS MONEY TONIGHT, AND WE APPRECIATE YOUR PATIENCE TONIGHT AND LAST WEEK, AND I TRUST YOU WERE ALSO AWARE THAT WAS A PUBLIC HEARING HELD THIS PAST TUESDAY AT PLANNING COMMISSION AND WE'LL CONTINUE ON, WITHOUT OBJECTION WE WILL GO TO PUBLIC TESTIMONY AND I'M JUST GOING TO TAKE THESE SUBSEQUENTLY. OUR FIRST SPEAKER IS GEORGE ANDERSON. IS HE HERE SF. HE SIGNED UP WISHING TO SPEAK IN OPPOSITION AND SEVERAL FOLKS, JOHN YOUNG, KENDRICK SIGNED UP WISHING TO DONATE TIME TO GEORGE, ALSO IN OPPOSITION. AND DEBORAH LEE SIGNED UP IN FAVOR, BUT DONATED HER TIME TO GEORGE -- (LAUGHTER) -- I DON'T KNOW HOW TO COUNT THAT ONE, AND SO MANY PEOPLE LEFTED OR HAD SIGNED UP LAST WEEK, SO IF YOU HEAR YOUR NAME, STAND UP AND BEGIN TO MAKE YOUR WAY TOWARD ONE OF THE PODIUMS. GARY ZIGMONT, AND GRACE GARCIA SIGNED UP TO DONATE TIME, BUT IN FAVOR, OR MAYBE IN FAVOR OF GARY, WE'LL SEE. CAROL BAKER. IS CAROL BAKER HERE? THRES ALL FOLKS WHO SIGNED UP WISHING TO SPEAK, AND I'LL JUST READ

THE NAMES AND IF YOU HEAR YOUR NAME -- AH! WELCOME MS. BAKER, AND IS CONSUELO AKIN HERE? OUR RULES ARE THAT YOU HAVE TO BE PRESENT IN THE CHAMBER MORD TO DONATE YOUR TIME TO A SPEAKER, SO CAROL, THREE MINUTES FOLLOWED BY ROB --

I DOUBT THAT I WOULD NEED THE THREE MINUTES, I WILL SPEAK QUICKLY. THANK YOU, MAYOR WYNN AND MEMBERS OF COUNCIL, I APPRECIATE THIS OPPORTUNITY ADDRESS YOU, I'M AN AUSTIN RESIDENT AND WAS BORN AND RAISED HERE, 50 YEARS PLUS. I AM A PROPERTY OWNER AND VOTER AND A VERY LOYAL AUSTIN ITE. AND I WANT IT TO STAY A WONDERFUL CITY ALWAYS, I'M SO DISAPPOINTED IN THE WAY THIS IS TAKING PLACE. I ALSOALITY CITY HALL WAS A PLACE WE COULD COME AND TELL YOU HOW WE FELT AND TAKE CONSCIOUS OF EVERYBODY'S OPINION, NOT JUST A FEW. I THINK THIS IS ONE OF THOSE SITUATIONS WHERE SOME OF YOU MADE UP YOUR MINDS BEFORE YOU EVER HEARD EVIDENCE AND I FEEL LIKE IT IS VERY UNFAIR NOT GOAT LISTEN TO -- NOT TO GET TO LISTEN TO EVERYONE AND MAKE YOUR MIND UP THEN, THAT IS ALL I HAVE TO SAY. THANK YOU VERY MUCH AND EYE APPRECIATE IT. (APPLAUSE).

THANK YOU, ROB KNEWELL?

PLEASE STATE YOUR NAME FOR THE RECORD.

I'M CONSUELO AKIN, I LIVE ON SHOAL CREEK BFL AND -- BOULEVARD AND I'M HERE TO SUPPORT THE ORDINANCE. I BELIEVE WE NEED TIME TO LOOK AT ALL OF THE ISSUES AND I'M EVEN CONCERNED AT THE DATES THAT HAVE BEEN OUTLINED TO DO THIS WHOLE PROCESS. I THINK WE NEED TAKE TIME. I HOPE COUNCIL IS NOT FEELING PRESSURED BY ANY GROUP TO QUICKLY DO SOMETHING, YOU KNOW, THAT WOULD NOT CONSIDER ALL OF THE ISSUES. I HAD NOT SIGNED TO SPEAK, BUT SINCE I HEARD MY NAME CALLED, I WILL LET YOU KNOW THAT I APPRECIATE YOU TAKING UP THIS ISSUE AND HEARING FROM PEOPLE FROM THE NEIGHBORHOODS.

THANK YOU MS. AIKEN. OKAY. (APPLAUSE).

ROB? I APOLOGIZE FOR MY PRONUNCIATION. ROB KNEWELL, AND KELLY DENT, AND DAVID DENT, AND REVEREND PARKER. WELCOME, PASTOR, YOU LOOK WELL. AND IS SARAH ANDRE OR SCOTT WHEY HERE? PASTOR YOU HAVE UP TO SIX MINUTES IF YOU NEED IT.

ALL RIGHT, THANK YOU. GOOD EVENING, MAYOR WYNN AND MAYOR PRO TEM THOMAS AND THE OTHER COUNCILMEMBERS AND CITY STAFF, MY NAME IS JOSEPH PARKER, I'M THE PASTOR OF THE DAVID CHAPEL MISSIONARY BAPTIST CHURCH IN THE CHESTNUT NEIGHBORHOOD IN EAST AUSTIN. I'M ALSO THE FORMER CHAIR OF THE CHESTNUT REVITALIZATION CORPORATION, WE ARE BOUNDED ON THE NORTH OW MARTIN LUTHER KING AND ON THE SOUTH BY SOUTH STREET AND ON THE EAST BY THE RAILROAD TRACKS AND WHAT IS KNOWN IN THE NEIGHBORHOOD AS THE FEATHER LIGHT PROPERTY. IN 1997 I SUBMITTED AN APPLICATION ON BEHALF OF DAVID CHAPEL TO GIVE LEADERSHIP TO DEVELOPING A CHESTNUT NEIGHBORHOOD PLAN IN COOPERATION WITH THE CHESTNUT NEIGHBORHOOD. THAT YEAR WE WERE COLLECTED AS ONE OF THREE PLANNING PILOT AREAS AND EBL WE WERE THE FIRST NEIGHBORHOOD TO DEVELOP A PLAN BHF WE BEGAN THE PLANNING PROCESS, CHESTNUT WAS IN BAD SHAPE, YEARS OF NEGLECT BY THE CITY AND COMMUNITY HAS LEFT MANY, MANY VACANT LOTS, TRASHED AND SPOILED. THE NEIGHBORHOOD WAS FILLED WITH SUBSTANDARD HOUSING AND THE NEIGHBORS WERE AFRAID TO WALK OUTSIDE ALONE AT NIGHT. AND IF WE FAST FORWARD THAT, NOW WE ARE THE VICTIMS OF OUR OWN BEST INTENTIONS. THOUSAND WEAVE GROW -- NOW WE HAVE A GROWING PROBLEM THAT WAS NOT ADEQUATELY ASIDED AND PROTECTED AGAINST WHEN WE SET OUT TO CHANGE OUR NEIGHBORHOOD AND WE NOW NEED YOUR HELP. SCOTT WHEY WHO HAS ASSISTED ME WITH THIS PRESENTATION HAS PROVIDED YOU A BIT OF INFORMATION ON THREE RECENTLY REDEVELOPED PROPERTIES IN OUR NEIGHBORHOOD ALONG WITH ADVERTISEMENTS FROM OTHER HOMES IN THE NEIGHBORHOOD. AND WE HAVE PROVIDED THOSE TO YOU TO HELP ILLUSTRATE THE PROBLEMS AND THE NATIONAL QUEASES -- NAD EQUATIONS OF -- INADEQUACIES OF THE CURRENT SOLUTIONS. IT'S NOT

AN OVERSTATEMENT TO SAY THAT HUNDREDS OF THESE HOMES ARE GOING UP IN EAST AUSTIN AND REPRESENT THE SPOILING OF OUR FUTURE. EACH OF THESE IS ADVERTISED AS HAVING FOUR OR MORE BEDROOMS AND THIS IS ONLY UNIT A. EACH LOT ALSO HAS A UNIT B WITH TWO OR MORE BEDROOMS AND THEY ARE ALL BUILT ON LOTS UNDER 7,000 SQUARE FEET EACH WITH INADEQUATE PARKING, INACCESSIBLE ALLEYS, POOR CONSTRUCTION AND NO CHARACTER WHATSOEVER. WHEN WE FIRST STARTED OUT WE HAD VACANT LOTS THAT WERE SPOILED AND NOW WE SEE THESE LOTS IN THE CHUS NUT NEIGHBORHOOD AND -- CHESTNUT NEIGHBORHOOD THROUGHOUT EAST AUSTIN WITH WHAT COULD BE CALLED OVERSIZED DORMITORIES OWNED BY ABSENTEE LANDLORDS, AND YOU TALK ABOUT DRAINAGE PROBLEMS BUT LET ME TELL YOU WHEN THE SEWERS START TO FILL UP IN THE HYDE PARKS AND THE ROSE DALES AND THE PEM BETTER TON, THE FIRST PLACE THEY START TO SPEW OUT IS EAST AUSTIN. UNDER THE CITY OF AUSTIN 1928 MASTER PLAN WHAT I WOULD CALL RACIST CITY GOVERNMENT EXCLUDED EAST AUSTIN FROM BEING CONNECTED TO WATER AND SEWAGE LINES WHILE IT EXTENDED LINES THROUGH THE SNI GENERAL, BUT RIGHT NOW WE ARE COVERED IN IT AND WE NEED YOUR HELP. THERE MAY BE A DRAINAGE PROBLEM IN PARTS OF AUSTIN BUT DRAIN SPBLG NOT THE ONLY REASON THIS MORATORIUM WAS NUT -- WAS PUT IN PLACE, IN MY JUDGMENT IT'S TIME WE PAUSE AND TAKE COUNT OF WHAT WE WANT FOR THE FUTURE. BUT NOWR MORATORIUM WILL DO NOTHING TO STOP WHAT IS GOING NONEAST AUSTIN. THE SEWERS WILL CONTINUE FLOWING AND SPILLING OVER THERE. I SUPPORT YOUR MORATORIUM BUT I BELIEVE WE NEED GO FURTHER. I WOULD URGE YOU TO DEVELOP DIFFERENT CRITERIA THAT IS MORE APPROPRIATE TO EACH NEIGHBORHOOD. FOR EXAMPLE, WHY NOT BASE THE FAX MUM FAR ON THE AVERAGE OF HOMES ON A BLOCK? SEEMS TO ME THAT WOULD BE MORE APPROPRIATE, I WOULD ALSO URGE YOU TO REQUIRE BUILDERS TO DEVELOP WITHIN THE DESIGN GUIDELINES SET FORTH IN EACH NEIGHBORHOOD PLAN SO THAT THE DEVELOPMENT IS CONSISTENT. VARIANCES SHOULD BE SOUGHT AND GRANTED BUT ONLY WITH NEIGHBORHOOD SUPPORT. SO I URGE YOU TO PREVENT SECONDARY UNITS ON SMALLER LOTS IN EAST

AUSTIN WONT A -- WITHOUT A VARIANCE ONLY IF IT'S BUILD FOR HOMEOWNERSHIP AND NOT RENTALS. I ENCOURAGE YOUR EFFORTS BUT WE NEED YOUR HELP NOW. WE NEED YOUR COURAGE. WE ARE LOSING THIS BATTLE, AND IF ACTION IS NOT SWIFT, WE WILL LOOSE THE WAR. EAST AUSTIN WILL TROWRN WHERE IT WAS -- RETURN TO WHERE IT WAS SOME TEN YEARS AGO WHEN THE CHUS NUT NEIGHBORHOOD -- CHESTNUT NEIGHBORHOOD STARTS ITS JOURNEY. IT WILL ALL HAVE BEEN SQUANDERED IF THE RIGHT ACTION IS NOT TAKEN AND I URGE YOU TO HELP US NOW. (APPLAUSE).

SOME QUICK REMINDERS, STAFF IS SET UP IN THE MEDIA ROOM OUT IN THE MAIN LOBBY TO ANSWER INDIVIDUAL QUESTIONS IF YOU HAVE THEM, AND THE ONE-PAGE SUMMARY OF THE REGULATIONS SHOULD BE OUT FRONT. ALL RIGHT, CONTINUING ON WITH OUR SIGN-UP SHEET, LINDA BLAXLEY AND DANETTE -- I THOUGHT I SAW HER EARLIER. OKAY. WELCOME, AND YOU'LL BE FOLLOWED BY BLAKE PAULETTE. AND LET'S SEE, IS SARAH CAMPBELL IN THE ROOM? HELLO, SARAH, AND HOW ABOUT GLORY LEE? OR HOW ABOUT SANDRA BAEUMAN. YOU'RE OFFERING TO DONATE TIME TO DANETTE I NEED TO CONFIRM IF THE FOLKS ARE IN THE ROOM. YOU HAVE UP TO SIX MINUTES IF YOU NEED IT.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, MY NAME IS DANETTE AND I'M COME PRESIDENT OF THE SOUTH CITY RESIDENTIAL NEIGHBORHOOD ASSOCIATION. FIRST I WANT TO THANK YOU FOR BRINGING THIS ISSUE TO THE FOREFRONT AND FOR YOUR COURAGEOUS STAND TO HELP PROTECT AND PRESERVE AUSTIN CITY NEIGHBORHOODS. MY NEIGHBORHOOD ASSOCIATION VOTED IN FAVOR OF A McMANSION ORDINANCE AND SUPPORTS THESE INTERIM REGULATIONS AS A GOOD FIRST STEP TO MITIGATE THE NEGATIVE IMPACTS CAUSED BY DEVELOPMENTS THAT ARE VASTLY OUT OF SCALE WITH THE SURROUNDING NEIGHBORHOODS. THESE HOUSES DO INTERACT AND CHANGE THE COMMUNITY AROUND THEM AND I STRONGLY BELIEVE WE NEED TO BALANCE INDIVIDUAL PROPERTY RIGHTS AND HIGH PROFIT MORE BEGINS WITH CONSIDERATIONS OF PHYSICAL, SOCIAL, ECONOMIC AND

AESTHETIC IMPACTS TO ADJACENT PROPERTY OWNERS AND THE COMMUNITY AS A WHOLE. THE INTERIM DEVELOPMENT REGULATIONS PROPOSED ARE ACTUALLY QUITE REASONABLE. THERE IS A CONSIDERABLE AMOUNT OF REDEVELOPMENT GOES ON IN MY NEIGHBORHOOD RIGHT NOW AND I'VE LOOKED AT NUMBER OF THOSE. ALL BUT A FEW WOULD HAVE BEEN PERMISSIBLE DUE TO THE INCLITION OF THE .1F.A.R. SO THE COMMENTS THAT THEY ARE TOO RESTRIKE -- RESTRICTIVE REALLY DON'T HOLD A LOT OF WATER. I HAVE A PICTURE OF ONE OF THE DEVELOPMENTS THAT MIGHT NOT HAVE BEEN PERMITTED SINCE IT WAS ON A VERY SMALL SUBSTANDARD LOT. THE HOUSE IN THE FOREFRONT IS AN ACTUAL HOUSE AND THAT IS WHAT THE RESIDENT IS DEALING WITH FIVE FEET AWAY FROM THEIR HOME. I WANT TO ASK THAT YOU INCLUDE DUPLEXES IN THE INTERIM REGULATIONS AS PROPOSED BY THE PLANNING COMMISSION. AS COMMISSIONER REILLY POINTED OUT, IF DUPLEXES ARE EXAMINE INCLUDES THEM SOME DEVELOPERS WILL SIMPLY TURN TO BUILDING THOSE INSTEAD OF SINGLE-FAMILY HOMES. I'M NOT A PHOTOGRAPHER BUT I RAN BY AND MY WAY TO WORK AND TOOK THESE PICTURES OF A COUPLE OF DO YOU LEX DEVELOPMENTS -- DUPLEX DEVELOPMENTS IN OUR NEIGHBORHOODS. THEY ARE NOT REALLY BUILDING DUPLEXES ANYMORE BUT ARE BUILDING CONDOS AND IN FACT ARE TEARING DOWN NICE HOUSES AND BUILDING TWO CONDOS IN THEIR PLACE THAT THEY CAN THEN SELL. THIS IS PARK LANE, THERE USED TO BE A MODEST SIZED DUPLEX AND THE DEVELOPER HERE STARTED WITH THE MINIMUM SET BACK, SO FIVE FEET ON EACH SIDE AND USED THE MAXIMUM ALLOWABLE FOOTPRINT AND DESIGNED BACK BACKWARD FROM THERE. AND ON EITHER SIDE ARE BUNGALOWS WITH LESS SQUARE FOOTAGE BOTH THAN THIS. THIS IS ANOTHER ON RIVER SIDE. THE PICTURE IS KIND OF DARK BUT THERE ARE THREE STORIES THERE. THERE WAS A STOP-WORK ORDER DUE TO IT BEING FRAMED AS THREE STORIES AND SOMEHOW THE DEVELOPER IS GETTING AROUND THAT BY DECLARING THE FIRST STORY AS A BAIIVEGHT. THIS IS THE -- BASEMENT, THIS IS THE TYPE OF THING WE ARE FACING IN OUR NEIGHBORHOOD AND THIS WAS FINALIZED AND APPROVED. WE COMPLAINED BUT THIS IS WHAT WE GOT. THESE REGULATIONS WILL PROVIDE A

SHORT REPRIEVE SO THERE IS TIME LOOK AT IDEAS FROM VARIOUS SOURCES. IN CLOSING YOU WANT TO HAW FOR THE WORK THAT YOU DO FOR STIIVES. -- -- CITIZENS -- AND CAN YOU PUT UP THE LAST PICTURE. AND REQUEST THAT YOU CONTINUE TO STAND FIRM AND NOT FURTHER RELAX THE INTERIM REGULATIONS AS THAT WILL RENDER THEM INFECTIVE. PLEASE VOTE TO SUPPORT THE PLANNING COMMISSION RECOMMENDATION AS IT STANDS, WE KNOW YOU FACE STUFF CHOICES BUT THE BOTTOM LINE IS KEEPING AUSTIN A LIVABLE COMMUNITY, THANK YOU VERY MUCH. (APPLAUSE (.

YOU'LL BE FOLLOWED BY NOAH KENNEDY.

GOOD EVENING, MR. MAYOR AND MEMBERS OF COUNCIL, MAYOR PRO TEM, I'M HERE REPRESENTING THE WEST AUSTIN NEIGHBORHOOD GROUP. WE SUPPORT THE REGULATIONS AND WE WOULD LIKE TO SEE THE INCLUSION OF DO YOU DUPLEXES AND OA ASK THAT YOU GO FORWARD WITH ORDINANCES TO ADDRESS THE OVERLOADING OF THE STORMWATER DRAINAGE BUT ALSO WITH THE STANDARDS.

THANK YOU. (APPLAUSE).

HE IS TRYING TO CURRY FAVOR WITH THE COUNCIL BUT NOT TAKING UP ALL OF HIS TIME. A GOOD STRATEGY. >>

HI, I'M NOAH KENNEDY, PRESIDENT OF THE PEMBERTON HEIGHTS NEIGHBORHOOD ASSOCIATION, I WILL BE BRIEF BUT I WANTED TO COMMENT ON THE STAFF PRESENTATION ON A COUPLE OF POINTS. THE WAIVER IF THE DEVELOPER SATISFIES DRAINAGE WITHIN THE LOT, ALL OF THE DISCUSSION I HEARD LAST WEEK WAS A COMBINATION OF DRAINAGE AND NEIGHBORHOOD COMPATIBILITY ISSUES. I DON'T UNDERSTAND WHY YOU WOULD ALLOW A WAIVER IS ONE OF THOSE IS SATISFIED BUT THE OTHER IS NOT SATISFIED. SO I WOULD ASK THAT YOU NOT INCLUDE THAT WAIVER IN THE FINAL PIECE. THE PRIMARY THING I WANTED TO GET ACROSS TO YOU IS WE POLLED OUR NEIGHBORHOOD ON A VERY SIMILAR ISSUE JUST A FEW WEEKS AGO. OUR NEIGHBORS RESPONDED BY ALMOST FOUR TO ONE THAT THEY WERE INFAVOR OF MORE CONTROLS TO LIMIT THE SIZE OF BUILDINGS THAT WERE

NOT IN THE SCALE OF THE TRADITIONAL HOUSES IN OUR NEIGHBORHOODS. WHEN WE ASKED OUR NEIGHBORS WHAT CONCERNED THEM MOST, THE ISSUE THAT CAME TO THE TOP OF THEIR LIST WAS HOUSES THAT WERE TOO BIG FOR THE NEIGHBORHOOD. SO I JUST WANT YOU TO KNOW FROM MY PERSPECTIVE, THE E-MAILS I GET AND THE RESPONSE I GET FROM THE PEOPLE IN OUR NEIGHBORHOOD IS THEY ARE VERY VONGLY IN SUPPORT -- STRONGLY IN SUPPORT OF THESE CONTROLS AND I URGE YOU TO FOLLOW THROUGH AND DO WHAT YOU STARTED AND DO THE INTERIM CONTROLS AND THEN WORK FOR EQUITABLE PERMANENT CONTROLS VERY QUICKLY. THANK YOU VERY MUCH. [ONE MOMENT, PLEASE, FOR A CHANGE IN CAPTIONERS]

RIGHT NEXT TO THAT THEY CUT DOWN ABOUT A 12-INCH DIAMETER LIVE TREE, BUT THEY PROTECTED THE DEAD ONES. THE BLOW UP? SLIDE TWO IS A SEWER LINE THAT IS NOW REPLACED, THREE IS THE FENCE AND FOUR IS THE PROTECTED TREES. YOU CAN SEE THE TOP OF THAT -- THE WHITE CIRCLE IS WHERE THAT TREE THAT'S PROTECTED STOPS. IT'S ROTTEN, IT'S COVERED WITH FUNGUS AND SO FORTH. IT'S QUITE DEAD. FIVE IS A MANHOLE THAT THAT PIPE IS GOING TO THAT'S GOING TO BE REBUILT. AT ONE TIME THE 15 FEET THAT YOU'VE SHOWN TO THE BOTTOM OF THE CREEK THAT'S EXPOSED TO THAT PIPE, THERE WAS A POOL OF WATER THERE. THERE'S A SIMILAR ONE IN SLIDE 7 WHERE YOU CAN SEE A STORM WATER RUNOFF THAT'S GONE INTO THAT CREEK. THAT POOL THERE IS ABOUT 7 FEET DEEP. IT GETS TO BE 10 TO 12 FEET DEEP RUNNING FAIRLY RAPIDLY. IT WOULD BE A HIGH LEVEL OF KAYAKING FOR SOME TOURNAMENT. WE COULD PROBABLY HAVE KAYAKING TOURNAMENTS ON SOME OF THESE CREEKS, BUT IT'S EXTREMELY DANGEROUS. THAT HOLE AT 7 FEET DEEP AND HAS NEVER BEEN DRY, MOVED 80 FEET IN TWO YEARS, FROM BEHIND ONE HOUSE, EXPOSE THAT SEWER LINE AND MOVED ON UP VERY RAPIDLY AS IT ERODED ALONG THAT CREEK BOTTOM. THIS PROBLEM IS GOING TO CONTINUE OF SEWER LINES THAT ARE IN THOSE CREEKS BEING EXPOSED AND EXPOSING THE CITY AND FURTHER FINES FROM THE E.P.A. IF THE ENTIRE DRAINAGE SITUATION ISN'T ADDRESSED. SLIDE 8 IS JUST THE MUD HOLE WHERE IT IS

NOW. THAT PIPE IS NOW COVERED UP. I SHOWED IN THE EARLIER SLIDES, IF WE GET RAIN THIS WEEKEND, IT WILL PROBABLY GET EXPOSED AGAIN. THEY'RE GOING TO BUILD A DRAINAGE STRUCTURE OVER THAT, BUT THEY DON'T ACTUALLY HAVE IT DRAWN TO TAKE IN THE WATERFALL THAT'S OCCURRING A LITTLE FURTHER UP WHERE THAT OTHER HOLE IS. THEY'RE ONLY SHOWING THEY'RE GOING TO FIX IT HERE. MAYBE THEY'VE EXPANDED THAT SINCE I MET WITH THEM, BUT THAT'S A PROBLEM EVERYWHERE. IT'S NOT MONEY WELL SPENT. I WOULD REALLY LIKE FOR THE COUNCIL TO MEET WITH THIS GROUP TO STUDY THE ISSUES AND LOOK AT A COMPREHENSIVE WAY TO DEAL WITH THE STORM WATER RUNOFF AND TRYING TO SOLVE SEVERAL DIFFERENT ISSUES AT THE SAME TIME. THE STORM WATER -- I GUESS IT WAS WALLER CREEK. I PERSONALLY BELIEVE THAT THE HUGE INFLUX OF STUDENTS AND LARGE BUILDINGS THAT ARE BEING PROPOSED FOR WEST CAMPUS ARE GOING TO HAVE INADEQUATE RECREATIONAL AREAS AND IT'S SORT OF UNFORTUNATE. MY GRANDFATHER USED TO SWIM IN WHAT CALLED SPLIT ROCKS WHEN HE LIVED ON 28TH STREET, WHICH WAS ON THE EDGE OF TOWN. AND THAT WAS IN THAT WATERSHED, SHOAL CREEK. THAT CREEK IS NOTHING AND NONE OF THAT WATERSHED IS ANYTHING LIKE IT WAS THEN. IT WAS QUITE BEAUTIFUL AND IT'S QUITE A BIT OF TRASH NOW. IT'S REALLY TOO BAD. LAMAR CUTS RIGHT UP THAT VALLEY BECAUSE ALL THOSE PEOPLE WOULD HAVE AN ENORMOUS RECREATIONAL AREA ALONG THAT CREEK BOTTOM IF IT HAD ACTUALLY BEEN RESPECTED AS A DRAINAGE PLACE AND FOR THE BEAUTY THAT IT HAD. SO PUTTING LAMAR THERE IS REALLY UNFORTUNATE. IT WOULDN'T BE A BAD THING IF WE HAD THE MONEY THROUGH A DRAINAGE FEE TO REMOVE LAMAR FROM THAT SECTION. PERHAPS DO A LARGE TUNNEL LIKE IS PROPOSED FOR WALLER CREEK. BELOW EVEN A DEPRESSED ROAD, JUST GET THE ROAD OUT OF IT. THE BOTTOM LAYER COULD BE A GIANT DRAINAGE STRUCTURE THAT WOULD TAKE THE STORM WATER RUNOFF AND GO DOWN THERE. THAT TUNNEL AND THE WALLER CREEK TUNNEL COULD BOTH BE USED FOR AIR CONDITIONING COOLING TOWERS. TRANSCO TOWER IN HOUSTON HAS A MASSIVE WATERFALL JUST SOUTH OF THAT RIVER. PEOPLE GO THERE AND HAVE THEIR PHOTO TAKEN IN FRONT OF

THAT WATERFALL. IT'S A HUGE SPACE OF GREEN AREA AND THIS GIANT HORSESHOE SHAPED WATERFALL HAS WATER GOING DOWN BOTH SIDES OF IT AND A LOT OF PEOPLE GET THEIR PICTURE TAKEN IN FRONT OF THAT COOLING TOWER BECAUSE THAT MASSIVE BUILDING, TRANSCO TOWER, THEIR CHILLED WATER IS COOLED IN THAT BIG WATERFALL, WHICH IS QUITE AN ATTRACTIVE STRUCTURE. THE CITY OF AUSTIN IS BUILDING FAIRLY UNATTRACTIVE COOLING TOWERS. IT WOULD BE A LOT BETTER IF THE COOLING TOWERS WERE MORE ATTRACTIVE LIKE THE TRANSCO TOWER OR WERE INCORPORATED INTO THE TUNNEL SPACES WHERE YOU COULD DRAW THE AIR OUT OF THE A DEPRESSED ROADWAY, CLEAN IT BY IT GOING THROUGH VARIOUS MISTING OPERATIONS, AND PROVIDE CHILLED WATER FOR ALL THOSE BUILDINGS THAT WILL BE BUILT IN WEST CAMPUS. THE SAME THING FOR ALL THE BUILDINGS ON THE WALLER CREEK TUNNEL. I HOPE IN THE WALLER CREEK TUNNEL AND FOR ALL THE STORM WATER RUNOFF THAT GOES INTO OUR LAKES THAT SOME MEANS IS PROVIDED TO PICK UP ALL THE TRASH THAT GO, RATHER THAN AFTER EVERY FLOOD TOWN LAKE IS THE FILTHIEST MESS I'VE EVER SEEN. I'VE WALKED THAT AND HELPED WITH SOME OF THE CLEANUPS ALONG THERE, BUT THERE'S A LOT OF TRASH THAT JUST GOES FLOWING THERE. SO THESE DRAINAGE STRUCTURES THAT WE'RE GOING TO DO TO SOLVE THE STORM WATER PROBLEM THAT IS BECOMING QUITE THE HEALTH HAZARD, YOU SAW WHAT CAME OUT OF THOSE TRASH PILES, YOU WOULD REALIZE THAT THOSE IN THEMSELVES ARE SIGNIFICANT HEALTH HAZARD. I WOULD HOPE THAT YOU WOULD INCLUDE SOME MEANS OF CLEANING UP THE STORM WATER AS IT COMES THROUGH THERE. BUT I HOPE THAT Y'ALL WOULD CONSIDER MULTI-USE OF THE DRAINAGE STRUCTURES AND I TRULY HOPE THAT WE CAN SOLVE THE WASTEWATER PROBLEMS AT THE SAME TIME THAT WE'RE SOLVING THE STORM WATER PROBLEMS. AND THIS DOESN'T SPEAK -- AND I'M JUST AVOIDING THAT BECAUSE EVERYBODY HAS ALREADY DEALT WITH IT SO MUCH OF THE LARGE HOUSES. I JUST WILL SAY THAT I THINK THE BUILDERS DON'T REALIZE IF YOU WERE TO LIMIT THOSE HOUSES TO QUITE SMALL, THEIR VALUE WOULD BEGIN TO GO HIGH AND THEY WOULD BE ABLE TO ACTUALLY BUILD LESS HOUSE AND MAKE THE SAME AMOUNT OF MONEY WITH

LESS STRUCTURE BECAUSE OF THE LIMITS ON THE HOUSES, THEY WOULD JUST BECOME MORE VALUABLE PER SQUARE FOOT. AND OF COURSE THAT MAY HAVE A PROBLEM WITH AFFORDABILITY IN THE FUTURE, SO YOU REALLY HAVE YOUR HANDS FULL WITH THAT ONE. THANK YOU. [BUZZER SOUNDS] [APPLAUSE]

Mayor Wynn: THANK YOU, MR. SMITH. DIANA HEATH. TO BE FOLLOWED BY LAURA MORRISON IF YOU DIDN'T SPEAK LAST TIME. TO BE FOLLOWED BY DANIEL DAY. SO DIANA HEATH, LAURA MORRISON, WELCOME. AND DANIEL DAY.

CAN I GO AHEAD?

Mayor Wynn: GO AHEAD.

GOOD EVENING, I'M LAURA MORRISON, THE PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL. OUR MEETING SCHEDULE DID NOT ALLOW THE ORGANIZATION, OUR ORGANIZATION TO CONSIDER A FORMAL POSITION ON THIS ISSUE; HOWEVER, I WANT TO LET YOU KNOW THAT I'VE HAD THE OPPORTUNITY TO BE IN CONTACT WITH FOLKS FROM ALL OVER AUSTIN, ALL SIDES OF AUSTIN, AND I'VE HEARD OF SERIOUS CONCERNS AND KNOW OF SUPPORT FOR THESE INTERIM REGULATIONS FROM PEOPLE IN THE FOLLOWING NEIGHBORHOODS, AND I JUST WANTED TO LIST OUT WHAT -- WHERE I'VE HEARD OF SUPPORT. I'LL START WITH MY OWN NEIGHBORHOOD, THAT'S OLD WEST AUSTIN. AND IF YOU'LL BEAR WITH ME SORT OF WANDERING AROUND THE CITY SORT OF CLOCKWISE, OLDEN FIELD, PEMBERTON, TARRYTOWN, BRYKER WOODS, RIDGELY, LOAS DALE, ALLENDALE, CRESTVIEW, BRENTWOOD. NEIGHBORHOODS IN THE NECK LOOP PLANNING AREA, HYDE PARK, NORTH UNIVERSITY, HERITAGE, HANCOCK, EAST WOODS, WILSHIRE WOODS, FRENCH PLACE, DELL WOOD AND CHERRY WOOD, MARTIN LUTHER KING, BLACK LAND, CHESTNUT, CHESTNUT ADDITION, EAST CESAR CHAVEZ, SOUTH RIVER CITY CITIZENS, BOULDIN CREEK, SOUTH LAMAR AND ZILKER. SURELY THERE ARE OTHERS THAT SUPPORT IT THAT I'VE NOT TOUCHED BASE WITH. SO THE BEAUTY OF THIS SITUATION IS THIS: ON ALL SIDES OF THE CITY INDEPENDENTLY AND IN PARALLEL WE HAVE BEEN DEALING WITH SERIOUS THREATS TO OUR NEIGHBORHOOD. TONIGHT

INDIVIDUALS FROM ALL THOSE NEIGHBORHOODS COME TO YOU TOGETHER DEMONSTRATING SUPPORT FOR THIS ORDINANCE AS A FIRST STEP IN SOLVING OUR COMMON PROBLEM. THIS IS IN MY EXPERIENCE AN UNPRECEDENTED SITUATION, AND I URGE YOU TO AFFIRM THIS BROAD SPECTRUM OF CONSENSUS AND TO TAKE THIS IMPORTANT STEP BY APPROVING THE INTERIM DEVELOPMENT REGULATIONS TONIGHT. THANK YOU.

Mayor Wynn: THANK YOU. [APPLAUSE] DANIEL DAY? DANIEL DAY SIGNED UP LAST THURSDAY WISHING TO SPEAK, HE DIDN'T GET A CHANCE TO, AND SIGNED UP THIS WEEK WISHING TO SPEAK. MAYBE WE'LL TRY HIM LATER. KAREN ASCOTT? TIMOTHY BOSSWELL, SHANNON RATLIFF, WHO I SAW EARLIER. KAREN ASCOTT SIGNED UP IN FAVOR, DANIEL DAY IN OPPOSITION, RAMMY RATLIFF FOR, SHANNON RATLIFF FOR. PAM WHITTINGTON? SIGNED UP FOR. AGAIN, IF YOU HEAR YOUR NAME, START WORKING YOUR WAY TOWARDS EITHER PODIUM. I'LL TRY TO GET THROUGH THIS LIST. VERNON WHITTINGTON SIGNED UP FOR. THESE ARE ALL FOLKS SIGNED UP WISHING TO SPEAK. ELLEN WARD FOR. EILEEN (INDISCERNIBLE), FOR. LEWIS JENESEK FOR. STEP FORWARD IF YOU HEAR YOUR NAME. SISTER MADELINE WEBBER, FOR. JOHN CONGATE, FOR. BOBBY RIGBY FOR. AND GRAY (INDISCERNIBLE), FOR. KEN BLAKER, I SAW KEN EARLIER. WELCOME, KEN. YOU SIGNED UP LAST WEEK WISHING TO SPEAK, DIDN'T GET A CHANCE TO, AND A NUMBER OF FOLKS OFFERED TO DONATE TIME TO YOU, KEN. IS BROOK BULO HERE OR JOSEPH FOWLER OR ROBERT WAGNER OR IVAN NAJARANO. IF NOT, YOU WILL HAVE UP THREE MINUTES IF YOU NEED IT.

THAT WOULD BE GREAT. ALL THOSE PEOPLE WERE HERE LAST WEEK.

THEY ALL SIGNED UP IN OPPOSITION OBVIOUS SHRI.

GOOD EVENING. MY NAME IS KEN BLAKER. I HAVE THE DISTINCT PRIVILEGE OF BEING THE PRESIDENT OF THE HOME BUILDERS OF AUSTIN. WE REPRESENT OVER 700 MEMBERS IN THE AUSTIN HOME BUILDING INDUSTRY, WHICH COVERS A FIVE COUNTY AREA AND 30 DIFFERENT MUNICIPALITIES. IN 2005 OUR INDUSTRY BUILT OVER 15,000

HOMES IN THE CENTRAL TEXAS AREA, ADDING \$1.7 BILLION IN LOCAL INCOME. WE ALSO ADDED \$210 MILLION IN TAXES AND FEES TO THE ECONOMY, AS WELL AS EMPLOYING OVER 30,000 WORKERS. SO IT'S A SIGNIFICANT REPRESENTATION THAT WE HAVE. 87% OF OUR MEMBERS ARE SMALL BUSINESSES AND INCLUDE EVERYTHING FROM TRADES TO SUPPLIERS TO PROFESSIONALS TO REMODELLING CONTRACTORS AND CUSTOM BUILDERS AND TO LAND DEVELOPERS. I SHOULD NOTE THAT I MYSELF, THIS ORDINANCE ISN'T GOING TO IMPACT ME DIRECTLY. MY PRIMARY FOCUS IS ON LAND DEVELOPMENT AND I HAPPEN TO BE A DEVELOPER FOR ONE OF THE LARGEST LOCALLY OWNED SINGLE-FAMILY AFFORDABLE HOUSING BUILDERS IN AUSTIN. WHAT I CAN TELL YOU IS THE ADOPTION OF THE MORATORIUM BY THE CITY HAS GALVANIZED OUR ASSOCIATION. YOUR ACTION TONIGHT AND SUBSEQUENT CONSIDERATIONS HAVE MAJOR IMPACTS ON OUR MEMBERS, THEIR EMPLOYEES AND THEIR BUSINESS RELATIONSHIPS. NOW, IN ALL HONESTY, WE DON'T EXPECT MUCH SYMPATHY FOR THESE FOLKS WORKING IN THE CONSTRUCTION INDUSTRY. IT IS EASY TO DISCOUNT A BUILDER OR ARCHITECT OR THE PEOPLE THEY EMPLOY AS SIMPLY SPEAKING OUT IN THEIR OWN NARROW SELF INTEREST, ALTHOUGH THAT STANDARD IS SELDOM IF EVER APPLIED TO THE OTHER SIDE WHEN WE HAVE OPPOSITION. BUT WHAT YOU HAVE ALSO SEEN IS A PASSION ON THIS ISSUE THAT EXTEND WELL BEYOND THE HOME BUILDERS, THEIR REALTORS AND ARCHITECTS. THERE ARE MANY FOLKS ENTHUSIASTIC ABOUT INFILL DEVELOPMENT. NEIGHBORHOOD REVITALIZATION, MIXED INCOME NEIGHBORHOODS, TRADITIONAL NEIGHBORHOOD DESIGN AND RECONSTRUCTION EFFORTS THAT WERE BLOSSOMING IN AUSTIN. THERE ARE A LARGE NUMBER OF PEOPLE WHO ARE ALREADY INVESTED IN INNER CITY NEIGHBORHOODS. MANY OF THE BEST AND BRIGHTEST PROFESSIONALS FROM ELECTRONIC GAMING AND ENTERTAINMENT INTEREST TO CAPITOL HILL ATTORNEYS EITHER LIVE IN LARGE NEW HOMES OR REMODELLED HOMES OR ARE PLANNING TO DO SO. IT SHOULD COME AS NO SURPRISE THAT THERE WILL BE AN UNINTENDED CONSEQUENCE FROM THIS ORDINANCE. I SUSPECT THAT THE REPUTATION OF THE CITY HAS ALREADY BEEN FELT IN THE LEGISLATIVE OFFICES JUST UP

CONGRESS AVENUE. IT IS GENERALLY ACKNOWLEDGED THAT THE USE OF A DRAINAGE WAS SIMPLY A TECHNIQUE TO INSTITUTE A MORATORIUM AND STOPPING ACCEPTING PERMITS PRIOR TO PLANNING COMMISSION REVIEW OR FINAL VOTE BY THE CITY COUNCIL OF THIS ORDINANCE. IT SEEMS TO ME THAT SEARCHING FOR LOOPHOLES OR TESTING THE LIMITS OF THE LAW, NOT TO MENTION THE LIMITS OF THE LEGISLATURE'S PATIENCE MAY BE FOLLY IN THE LONG RUN. AND SPEAKING OF UNINTENDED CONSEQUENCES, WHAT ABOUT THE OLDER NEIGHBORHOODS THAT DO INDEED WANT TO GROW AND REVITALIZE. LARGER HOMES USUALLY BRING FAMILIES AND REVITALIZATION BRINGS MORE THAN WHAT THESE HOMES PROVIDE. IT SPREADS TO BUSINESSES, SCHOOLS AND PLACES OF WORSHIP. IT IS NO IRONY IN A MANY OF OUR MULTIPLE USE JURISDICTIONS IN OUR REGION WOULD LOVE TO HAVE THE PROBLEM OF LARGER HOMES IN THEIR CORE CITY. [BUZZER SOUNDS]

Mayor Wynn: PLEASE CONCLUDE.

PARDON?

Mayor Wynn: PLEASE CONCLUDE.

WITH THAT HAVING BEEN SAID, I CAN SAY THAT OUR MEMBERSHIP APPRECIATES THE OPPORTUNITY THAT YOU ARE GIVING US TO PROVIDE MEANINGFUL COMMENT AND AS THIS MORATORIUM IS GOING FORWARD. AND THAT WE -- THERE'S NOTHING WE COULD HAVE SAID OR DEMONSTRATED THAT WOULD HAVE ALTERED ITS COURSE, BUT SECOND BEST TO HAVING MEANINGFUL INPUT IS THE CHANCE TO HAVE THE TIME TO TRULY EXAMINE TECHNICAL CONSIDERATIONS THAT AFFECT PUBLIC HEALTH, SAFETY AND WELFARE AND YOU CAN REST ASSURED THAT WE WILL DO OUR BEST TO HELP IN THESE EFFORTS. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, KEN AND ALSO THANK YOU TO YOU AND YOUR MEMBERS FOR YOUR WORK ON THE TASKFORCE AND YOUR HELPING US STRUCTURE THAT PLAN. ROBERT NASH WANTS TO SPEAK, BUT SPOKE LAST WEEK. WELCOME BACK, ROBERT. GAY RATLIFF, MICHAEL GREEN. I SAW GAY

RATLIFF EARLIER. HELLO. WELCOME. AS YOU MAKE YOUR WAY FORWARD, MICHAEL GREEN, COREY WALTON. MR. GREEN, IS SARAH MEDERA HERE? SO MICHAEL, YOU HAVE UP TO THREE MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY GAY RATLIFF.

THANK YOU, MAYOR AND MEMBERS OF THE CITY COUNCIL. MY NAME IS MIKE GREEN AND I AM HERE TO SPEAK IN SUPPORT OF THE MORATORIUM. FIRST LET ME PUT MY FOOT IN MY MOUTH, I GUESS, AND SAY THAT I DO THINK THIS WAS HANDLED VERY, VERY POORLY. I INITIALLY LAST WEEK SIGNED UP AS NEUTRAL ON THE ISSUE AND THAT WAS BASED LARGELY ON COMMUNICATIONS THAT I RECEIVED FROM THE AIA, MY HOME BERLD, THE STATESMAN, CHANNEL 42, AND THE REAL ESTATE COUNCIL, ALL OF WHICH MADE THIS SEEM TO BE BASICALLY THE END OF THE WORLD, IF YOU WILL. NO MENTION AT ALL OF THE FAR REQUIREMENT OR LIMITATION OR WHATEVER YOU WANT TO CALL IT, BUT INSTEAD IT SEEMED LIKE JUST A COMPLETE MORATORIUM ON BUILDING, WHICH I NOW UNDERSTAND IS NOT THE CASE, SO NOW I'M IN SUPPORT OF IT. YOU KNOW, THERE SEEMS TO BE -- I KEEP HEARING PEOPLE REPEAT THAT THIS IS NOT THE BUILDERS VERSUS THE HOMEOWNERS. AS I WAS REGISTERING EARLIER TODAY I HEARD TWO PEOPLE TALKING AS THEY REGISTERED SAYING ONE WAS AN INTERIOR DESIGNER AND ONE WAS A BUILDER SAYING I DON'T THINK THE HOMEOWNERS GET IT. THIS REALLY IMPACTS THEM SERIOUSLY. WHILE MYSELF AND ANOTHER HOMEOWNER STANDING THERE LOOKED AT EACH OTHER AND FRANKLY ROLLED OUR EYES. WE DO GET IT. WE LIVE IN CENTRAL AUSTIN. WE HAVE TO PUT UP WITH THE FACT THAT THESE HUGE HOMES ARE BUILT NEXT TO OURS AND IT HAS AN ADVERSE AFFECT ON THE QUALITY OF LIFE. IT WAS DRIVEN HOME TO ME ACTUALLY ON MONDAY WHEN IN RESEARCHING JUST THE HOMES IN OUR NEIGHBORHOOD WHICH WOULD BE AFFECTED BY THIS, I HAPPENED TO RUN ACROSS ONE WHICH IS IN OUR SMALL SUBDIVISION OF ABOUT 26 HOMES, AND A BUILDER HAD FILED FOR A PERMIT TO BUILD A DUPLEX. I DON'T KNOW IF IT WAS IN RESPONSE TO THIS, BUT IT WAS CLOSELY CORRELATED WITH THIS. TO REPLACE A 1500 SQUARE FOOT HOME WITH A 6500 SQUARE FOOT DUPLEX FOVMENT A 430% INCREASE IN SPACE. WHILE,

FORTUNATELY FOR US AND OUR SUBDIVISION IN HIS RUSH TO DO THIS, HE IGNORED THERE WERE DEED RESTRICTIONS IN PLACE THAT WOULD PROHIBIT THIS. NONETHELESS, THAT DOESN'T -- I STILL HAD TO PAY \$500 TO RETAIN A LAWYER TO KEEP THIS FROM HAPPENING. THE EXACT SAME THING HAPPENED ONE BLOCK OVER. UNFORTUNATELY, THE RESIDENTS THERE DIDN'T CATCH IT EARLY ENOUGH AND BY THE TIME THEY FIGURED OUT WHAT GOING ON, THEIR ATTORNEYS BASICALLY TOLD THEM IT WAS TOO LATE TO DO ANYTHING ABOUT IT. SO YES IN ANSWER TO THE GENTLEMAN WHO SPOKE EARLIER, I AM SPEAKING IN MY OWN SELF-INTEREST. THERE IS NO DOUBT ABOUT THAT. I LIVE WITH THIS EVERY SINGLE DAY. AND AS I LOOK AT THE PEOPLE WHO REGISTERED FOR THIS LAST WEEK DOING A LITTLE RESEARCH -- AND I'M HAPPY TO SHARE ALL OF MY RESULTS WITH ANY MEMBER OF THE COUNCIL WHO WANTS TO SEE IT ONE ON ONE. OUT OF THE APPROXIMATELY 270 PEOPLE WHO REGISTERED IN OPPOSITION TO THIS, BASED ON THE RESEARCH THAT WE DID, ONLY ABOUT 27 OF THEM WERE ACTUALLY HOMEOWNERS WITH NO AFFILIATION TO THE REAL ESTATE OR BUILDING INDUSTRY. SO EVEN IF YOU DO YOU BELIEVE THAT, EVEN IF YOU ASSUME MY NUMBERS ARE WRONG AND YOU DO YOU BELIEVE THAT TO 50, 50 PEOPLE SPEAKING IN OPPOSITION IS LESS THAN 20% OF THE PEOPLE SPEAKING IN OPPOSITION AND IT'S LESS THAN HALF OF THE PEOPLE WHO SPOKE IN SUPPORT OF THIS. SO YES, IT IS THE HOMEOWNERS VERSUS THE BUILDERS. THAT'S NOT TO SAY THERE AREN'T GOOD PLD ABOUTERS.

Mayor Wynn: PLEASE CONCLUDE.

MY BUILDER, ARCHITECT AND REALTOR ARE ALL IN OPPOSITION OF THIS. YOU'VE HEARD MY PIECE. THANK YOU.

Mayor Wynn: THANK YOU. GAY, WELCOME. GAY RATLIFF FOLLOWED BY COREY WALTON.

I DON'T NEED MORE THAN A MINUTE, LITERALLY. I WANT TO COMMEND YOU ON THIS ISSUE THAT YOU'VE TAKEN UP. I THINK IT'S SO IMPORTANT TO THE CITY OF AUSTIN. I HAD JUST GOTTEN BACK FROM A MEETING WHERE THIS WAS DISCUSS ODD A NATIONAL SCALE AND A STATE LEVEL ALSO AND IT IS HAPPENING ACROSS THE COUNTRY. IN THE LAST

COUPLE OF DAYS I'VE GOTTEN REALLY HIGH BEHIND AND DID SOME RESEARCH AND THERE ARE SOME WONDERFUL PRECEDENTS THAT HAVE BEEN SET AND WORKED OUT IN OTHER CITIES AROUND THIS COUNTRY, SO WE HAVE A LOT THAT WE CAN BASE THIS ON, AND I THINK THAT WE'RE GOING TO COME UP WITH SOMETHING. SO I JUST WANT TO CONGRATULATE YOU ON THIS STEP. [APPLAUSE]

Mayor Wynn: COUNCILMEMBER DUNKERLEY. MS. RATLIFF? GAY? COUNCILMEMBER DUNKERLEY.

Dunkerley: [INAUDIBLE]. ... TO THE TASKFORCE THAT WE'LL BE APPOINTING LATER. THANK YOU.

Mayor Wynn: WELCOME COREY WALTON, DOROTHY RICHTER, WHO MAY HAVE SPOKE LAST WEEK. I'LL CHECK. MATT RATS I THINKER.

MY NAME IS COREY WALTON, I'M VICE-PRESIDENT OF THE DOWLD INCREEK NEIGHBORHOOD ASSOCIATION AND I TOO WANT TO ECHO MY THANKS AND CONGRATULATIONS TO PARTICULARLY THOSE COUNCILMEMBERS WHO STEPPED FORWARD TO ADDRESS WHAT I THINK WE'VE ALL CONCLUDED IS A VERY REAL AND LOOMING ISSUE. I THINK THAT THE STAFF'S EXPLANATIONS TO PARTICULAR BUILDERS PROJECTS AND THIS WEEK'S ONLINE F.A.R. CALCULATOR HAVE ALL BEEN VERY HELPFUL IN DISPELLING SOME OF THE MISINFORMATION AND MISUNDERSTANDINGS SURROUNDING THE PROPOSED ORDINANCE AND THE INTERIM REGULATIONS. SO I THINK AS THE PROCESS CONTINUES, AS A CENTRAL AUSTIN RESIDENT AND AS A BOULDIN CREEK NEIGHBORHOOD ASSOCIATION MEMBER, AGAIN, I THANK THIS COUNCIL FOR BRINGING FORTH THIS REMEDY, AND OUR SINCERE HOPE IS THAT THE CONTINUED PUBLIC PROCESS CONTINUE AND THAT YOU PASS THE ORDINANCE AND THE INTERIM REGULATIONS AS RECOMMENDED BY THE PLANNING COMMISSION. I THANK YOU AGAIN.

Mayor Wynn: THANK YOU, MR. WALTON. POLLY SPARROW, DOROTHY RICHTER, MATT RISINGER. WELCOME. YOU SIGNED UP LAST THURSDAY. THANK YOU FOR YOUR PATIENCE. LET'S SEE, TANA TAYLOR OFFERED TO DONATE

TIME TO YOU. IS SHE HERE?

I THINK SHE TOOK OFF.

Mayor Wynn: MATT -- AND YOUR WIFE WAS TRYING TO DONATE TIME FOR YOU LAST WEEK.

SHE'S AT HOME WITH MY FIVE WEEK OLD. I THINK I'M ON MY OWN TONIGHT. I'LL TAKE THREE.

Mayor Wynn: YOU WILL BE FOLLOWED BY MARSHAL DURET.

MR. MAYOR, COUNCILMEMBERS, THANK YOU FOR LISTENING TO ME TONIGHT. I OWN RISINGER HOMES, I'M A LOCAL CUSTOM HOME BUILDER. I'M FAIRLY NEW TO AUSTIN, HAVING MOVED HERE IN THE FALL FROM PORTLAND. AND PORTLAND IS A PRETTY WELL-KNOWN TOWN IN THE CITY PLANNING WORLD. WELL-KNOWN ESPECIALLY FOR THEIR URBAN GROWTH BOUNDARY WHICH RINGS THE CITY OF PORTLAND AND REALLY THAT SEPARATES THE URBAN SPACE FROM THE RURAL SPACE AND THE SUBURBAN SPACE IS REALLY ALMOST NONEXISTENT IN PORTLAND. IT'S KIND OF A NEAT CONCEPT. AS PART OF THAT, THE URBAN GROWTH BOUNDARY LIMITS HOME BUILDERS OR DEVELOPERS TO DEVELOPING NEW PROPERTIES TO UNDER 5,000 SQUARE FEET, SO 50 BY 100 IS THE TYPICAL LOT SIZE WITHIN THE PORTLAND AREA, AND THE HOME BUILDERS THAT I WORKED FOR, WE BUILT HOUSES ON THAT 5,000 SQUARE FEET THAT RANGE FROM 2,000 TO ABOUT 3300 SQUARE FEET. PORTLAND DID NOT HAVE A F.A.R. WHEN I WORKED THERE. WE DID HAVE IMPERVIOUS COVER REGULATIONS, BUT IF WE DID HAVE A F.A.R. OR IF WE EQUATED THOSE 2,000 TO 3300 SQUARE FOOT HOUSES ON 5,000 SQUARE FOOT LOTS, THAT WOULD EQUATE TO ABOUT A .34 TO A .66. CERTAINLY THERE WERE BUILDERS THAT BUILT LARGER, BUT THAT'S WHAT MY COMPANY DID. SO KIND OF PUTTING THOSE SAME NUMBERS ON TO WHAT WE'VE GOT HERE IN AUSTIN, TYPICAL HOME SIZE AS I'VE BEEN OUT HERE LOOKING AT HOUSES ARE ROUGHLY 50 BY 125, 130, SOMEWHERE IN THAT RANGE, SO DEEPER THAN WHAT PORTLAND HAS. IF YOU TOOK THOSE NUMBERS AND MULTIPLIED BY A .5 F.A.R., YOU WOULD BE AT 3250 SQUARE FOOT. IF YOU TOOK A .45 F.A.R. TIMES THE 6500 YOU WOULD BE AT 2925. I THINK THOSE ARE NOT QUITE

SIZED THAT WOULD CATEGORIZE AS McMANSIONS. ONE OF MY POINTS TONIGHT WAS TO HOPEFULLY ENCOURAGE YOU FOR THE INTERIM REGULATIONS RAISING THAT F.A.R. WE HEARD FROM ONE OF THE STAFF EARLIER THAT SOME OTHER TOWNS HAVE INTEGRATED F.A.R.'S INTO SOME OF THEIR REGULATIONS, AND SOME OF THEM WERE HIGHER THAN WHAT WE'RE TALKING ABOUT HERE. NEXT, THIS FOREMORE ITEM WITH THE FAR LUMPS ALL SQUARE FOOTAGE TOGETHER AND I WOULD LIKE FOR YOU TO CONSIDER THE ADDITIONAL SQUARE FOOTAGE, THINGS LIKE BASEMENTS OR SLOPED LOTS WITH LOWER LEVELS AND WALKOUTS AND FINISHED ATTIC SPACES THAT ARE WITHIN ROOF LINES. THOSE DON'T CONTRIBUTE NEGATIVELY TO BULK OR SIZE OF HOUSE OR DRAINAGE, BUT THEY DO COUNT ON THAT F.A.R. AND I WOULD ASK THAT YOU WOULD TAKE SOME OF THOSE EXCLUSIONS OUT OF THE FAR. AND I THINK WITH THIS FAR REGULATION, SOME THINGS THAT PEOPLE HAVE NOT TALKED ABOUT ARE THIS FAR REGULATION IS ACTUALLY GOING TO ENCOURAGE SOME NEGATIVE THINGS, THINGS LIKE ADDITIONAL GARAGE SPACE. IF YOUR GARAGE DOESN'T COUNT IN YOUR FAR, THEN WHY DOESN'T A BUILDER WHO IS NOT EXCITED ABOUT BUILDING SOMETHING THAT FITS IN THE NEIGHBORHOOD BUILD A SIX-CAR GARAGE, KNOWING THAT HEY, THAT'S GOING TO BE SOMETHING THE MARKET'S GOING TO LIKE AND I'M GOING TO GET MONEY FOR THAT AND IT DOESN'T COUNT AGAINST MY SQUARE FOOTAGE. [BUZZER SOUNDS] IF I COULD CONCLUDE QUICKLY WITH TWO QUICK PICTURES. THIS IS A HOUSE I'VE BEEN PLANNING FOR SEVERAL MONTHS IN A CITY NEIGHBORHOOD. IT'S ON A 65 BY 125 LOT. THIS IS THE FRONT ELEVATION AND IF YOU COULD JUST FLIP THAT TO THE SECOND SLIDE, THIS IS A PERFECT EXAMPLE OF HOW THESE FAR REGULATIONS HURT I THINK A BUILDER LIKE ME WHO IS ENGAGED WITH A GREAT ARCHITECT AND BUILDING A VERY COOL PLAN THAT FITS IN THE NEIGHBORHOOD. THE NEIGHBORS ARE EXCITED ABOUT IT. AS YOU CAN SEE, THE LOT SLOPES DOWN AND ALL THAT BASEMENT SPACE I WOULD NOW HAVE TO DELETE. I WOULD HAVE TO PUT THAT AS CRAWL SPACE OR GARAGE SPACE OR WHATEVER. I MAKE MY FAR RATIO ON THE FIRST TWO LEVELS, BUT THAT ENTIRELY BASEMENT, ABOUT 6 OR 700 SQUARE FEET WOULD HAVE TO BE DELETED UNDER THESE

CURRENT STANDARDS, WHICH DOESN'T SEEM LIKE IT IS
QUITE RIGHT TO ME. THANK YOU FOR YOUR TIME. [
APPLAUSE]

Mayor Wynn: BEFORE I RECOGNIZE COUNCILMEMBER
MCCRACKEN, CITY MANAGER LAURA HUFF MAN, WHO
NEEDED SOME INFORMATION FROM ME, WE ARE VERY
COGNIZANT OF THE F.A.R. RELATIONSHIP AT THE NEW
MILLER NEIGHBORHOOD THAT WE ARE BUILDING THAT IS
MORE OF A TRADITIONAL NEIGHBORHOOD, MORE OF A TND.
IT HAS QUITE FRANKLY VERY HIGH FAR PER LOT, BUT IT HAS
ALLEY LOADED REAR END YARDS AND UTILITIES AND THINGS
LIKE THAT. SO WE WOULD LIKE TO SEE AS MUCH F.A.R. AS
PRACTICAL, BUT SO MUCH OF IT IS DETERMINED IN MY
OPINION ON THE MAKEUP OF THE NEIGHBORHOOD, THAT IS,
ALLEY-BASED SERVICES WOULD ALLOW FOR MORE F.A.R. IN
MY OPINION ON A LOT.

SURE, I AGREE WITH THAT.

Mayor Wynn: SO MANY OF OUR NEIGHBORHOODS DON'T HAVE
THAT ABILITY.

McCracken: I WANTED TO SAY I THOUGHT THAT WAS A VERY
HELPFUL PRESENTATION. IN FACT, I'VE HEARD A LOT OF
GOOD POINTS AND BEEN MAKING NOTES TONIGHT. WE'RE
HAVING THE FIRST MEETING OF THE TASKFORCE
TOMORROW AT 1:00 IN THE AFTERNOON. AND WE'LL LIST
WHO EACH OF THE ORGANIZATIONS HAVE NOMINATED TO
THE TASKFORCE MEMBERS, BUT EVEN THOUGH YOU'RE NOT
ONE OF THE TASKFORCE MEMBERS, I WOULD APPRECIATE IF
YOU MIGHT BE ABLE TO COME TOMORROW. WE'LL ALSO
HAVE STAKEHOLDER MEETINGS WHERE WE'LL TAKE
TESTIMONY. THIS IS EXACTLY THE KIND OF HELPFUL
INFORMATION THAT WILL ENABLE ALL OF US TO DO
SIMULTANEOUSLY SOMETHING THAT'S GOOD FOR BUSINESS
AND ALSO PROTECTS PROPERTY OWNERS AND PROTECTS
NEIGHBORHOODS AND PROTECTS THE CHARACTER OF
AUSTIN. SO I REALLY APPRECIATE YOU COME AND BRINGING
THESE IDEAS BACK.

THANK YOU, SIR. I THINK THAT'S ULTIMATELY WHAT
SPEAKING AS A HOME BUILDER, I THINK THAT'S REALLY

WHAT MY COLLEAGUES ARE LOOKING FOR TOO. WE WANT TO BE PART OF THIS COMMUNITY. I'M PRETTY YOUNG, I HOPE TO BE BUILDING FOR THE NEXT 30 OR 40 YEARS BEFORE I RETIRE AND I WANT TO BUILD COOL THINGS THAT MY KIDS CAN DRIVE THROUGH THE NEIGHBORHOOD WITH ME AND GO, GRANDPA DID THAT, WHAT A COOL HOUSE THAT STILL IS. THANK YOU, SIR.

Mayor Wynn: MARSHAL DURETTE. SIGNED UP LAST WEEK WISHING TO SPEAK, DIDN'T GET A CHANCE TO. SIGNED UP AGAIN THIS WEEK, WISHING TO SPEAK IN OPPOSITION. ALEX PETITE. SORRY IF I MISPRONOUNCED THAT. WELCOME. YOU WILL BE FOLLOWED BY TOMMY JACKSON OR TRACY THOMAS OR FRED DALBY. YOU WILL HAVE THREE MINUTES. WELCOME.

GOOD EVENING. BASICALLY I JUST WANT TO SPEAK IN OPPOSITION, AND I HAD SOMETHING PUT TOGETHER, ARCHITECT SERGIO (INDISCERNIBLE). HE'S CURRENTLY A VISITING PROFESSOR AT U.T. SCHOOL OF ARCHITECTURE. HE'S AN INTERNATIONAL EXPERT IN URBAN PLANNING ISSUES DATING WAY BACK TO THE '70'S. HE WAS BASICALLY IN AUSTIN LAST FRIDAY AND SAID SOME VERY INTERESTING THINGS. I THINK WE'RE GOING TO PLAY SOMETHING. I WISH Y'ALL WOULD PAY VERY CLOSE ATTENTION TO THE NUMBERS THAT HE'S BEEN CALCULATING ON THIS.

IT'S REALLY NEGATIVE. THEY DON'T HEAR DENSITY IS A GOOD THING, THEY HEAR CONGESTION, THEY HEAR TRAFFIC, THEY HEAR PROBLEMS. CAN EAST AUSTIN SUSTAIN DENSITY?

I THINK SO. I MEAN, I THINK -- THE TYPICAL LOT HERE IN EAST AUSTIN, THROUGHOUT AUSTIN IS BETWEEN FIVE TO SEVEN THOUSAND SQUARE FEET AND THE TYPICAL HOUSE SIZE IS 12 TO 1500 SQUARE FEET BY THE DATA AVAILABLE. NOW, TAKE SEATTLE WHERE I COME FROM. AND SEATTLE, A TYPICAL LOT SIZE IS 4500 SQUARE FOOT, THE TYPICAL HOUSE IS 3800 SQUARE FEET. SO THE KIND OF FOOTPRINT TO LOT SIZE IS MUCH GREATER AND YET WE HAVE A CITY THAT IN A LOT OF WAYS HAS THE MODEL FOR WHERE WE WANT TO GET TO. WE HAVE A LOT OF PROBLEMS OF OUR OWN, BUT WE HAVE THE -- THAT HELPS TO SUPPORT THE

STREET ACTIVITY, IT HELPS TO SUPPORT PUBLIC TRANSPORTATION, IT HELPS TO REDUCE THE AMOUNT OF INFRASTRUCTURE YOU HAVE TO PUT IN, ALL EXTRAORDINARILY EXPENSIVE THINGS THESE DAYS.

Mayor Wynn: THANK YOU. TOMMY JACKSON IN OPPOSITION. TREY THOMAS IN FAVOR. FRED DALBY IN FAVOR. IF YOU HEAR YOUR NAME, PLEASE STEP FORWARD IF YOU DIDN'T SPEAK LAST THURSDAY. MICHAEL DEAN AGAINST. MICHAEL DEAN HERE? WILLIAM RICK AGAINST. NEAL MESSNER AGAINST, BILL (INDISCERNIBLE) AGAINST. Y'ALL STEP FORWARD, GENTLEMEN, AND PLEASE STATE YOUR NAME FOR THE RECORD.

I'M NEAL MENESSER, GOOD EVENING. THANK YOU FOR HAVING ME. I LIVE ON HARRIS BOULEVARD ON PEMBERTON HEIGHTS. I WANTED TO POINT OUT A QUICK THING. NUMBER ONE, I'VE HEARD SEVERAL FOLKS GET UP AND SPEAK AS THE PRESIDENT OF PEMBERTON HEIGHTS ASSOCIATION OR TAR TARRYTOWN HOMEOWNERS ASSOCIATION. I WANT TO POINT OUT THAT WE DO NOT HAVE A TYPICAL HOMEOWNERS ASSOCIATION LIKE YOU WOULD HAVE IN A PLANNING COMMUNITY. SO DON'T GET SWAYED BY THE FACT THAT THESE ASSOCIATIONS EXIST. THEY'RE VOLUNTEER ASSOCIATIONS AND NOT EVERYBODY IN THE COMMUNITY PARTICIPANTS. I HAD A COUPLE OF QUESTIONS. NUMBER ONE, MAYBE YOU CAN ANSWER THIS AT SOME POINT. I DIDN'T UNDERSTAND WHAT BRINGING DRAINAGE UP TO 2006 STANDARDS MEANT IN TERMS OF THE WAIVER. IT SEEMS LIKE THE WAY THAT THIS ORDINANCE HAS BEEN -- THIS MORATORIUM HAS BEEN PUT FORTH IS EXPOSING THE CITY TO SOMEWHAT OF A LITIGATION RISK. ESPECIALLY ON A CONSTITUTIONAL LEVEL. I THINK MR. SMITH HAS ALL THE WORK THAT HE CAN HANDLE OR WANTS TO HANDLE.

Mayor Wynn: WE'RE ONLY SUED 212 TIMES LAST YEAR. [LAUGHTER]

I UNDERSTAND. IT SEEMS LIKE IF THE BROAD BASED SUPPORT FOR THIS IS REALLY OUT THERE IN THE COMMUNITY THAT YOU COULD DO THIS IN A VOLUNTARY BASIS TO WHERE YOU COULD VERY EASILY SET UP DEED RESTRICTIONS, INDIVIDUAL BASED, NOT EVEN ON A

NEIGHBORHOOD BASIS, BUT ON AN INDIVIDUAL BASIS HOMEOWNERS COULD GO AND FILE TO PUT THEIR HOUSES UNDER THE DEED RESTRICTIONS. AND IF YOU HAVE THAT KIND OF SUPPORT THAT I THINK YOU BELIEVE YOU HAVE FOR THIS MORATORIUM, THERE OUGHT TO BE FOLKS COMING OUT OF THE WOODWORK TO GO AND SIGN UP FOR THAT. IF YOU DID THAT AND WEREN'T GETTING THEM, THEN YOU COULD HAVE AN INCENTIVE BASE LIKE YOU HAVE OR THE COUNTY HAS FOR THE HISTORICAL HOMES IN THE NEIGHBORHOOD. BECAUSE RIGHT NOW IT SEEMS LIKE IT'S REALLY TRESPASSING ON FOLKS' CONSTITUTIONAL RIGHTS, THEIR PROPERTY RIGHTS. I DON'T WANT TO SNUB THE SENTIMENT BEHIND THE MOVEMENT BECAUSE I UNDERSTAND I LIVE IN THE NEIGHBORHOOD TOO AND I SEE HOMES THAT I WISH WEREN'T THERE. BUT I'M NOT WILLING TO PLACE MY JUDGMENT ON SOMEBODY ELSE'S HOME. AND YOU'VE GOT TO THINK ABOUT THE 20-SOMETHING-YEAR-OLD COUPLES WHO JUST PUT A KID ON THE GROUND AND THEY'RE LIVING IN A \$400,000.02-1 HOUSE THAT THEY PUT EVERY DIME IN AND THEY'VE GOT A 90% MORTGAGE AND YOU'VE JUST TRAPPED THEM IF YOU DO THIS, YOU'VE JUST TRAPPED THEM. AND YOU SAY WELL, YOU CAN BUILD AN ADEQUATE HOME. BUT WHO AM I, WHO ARE YOU, WHO ARE YOU THE PEOPLE TO SAY WHAT AN ADEQUATE HOME IS? THERE'S A LOT OF FOLKS OUT THERE -- I KNOW BECAUSE I WAS ONE OF THEM FOR AWHILE -- THAT PUT ALMOST COMPLETE FAITH IN THE INVESTING PROCESS OF THE HOME. THIS IS GOING TO TAKE THAT AWAY AND THEY WON'T BE ABLE TO GET OUT OF FROM UNDER IT. I DON'T THINK THAT'S RIGHT. EVERYBODY THAT MOVED TO THIS NEIGHBORHOOD, CHOSE TO BE HERE, AND I MAY NOT LIKE MY NEIGHBOR, I MAY NOT LIKE WHAT THEY BUILD ACROSS FROM ME, BUT I WANT TO LIVE HERE AND I'M WILLING TO TAKE THAT RISK. I ASK YOU TO THINK TWICE ABOUT WHAT YOU'RE DOING HERE. THANK YOU. [APPLAUSE]

Mayor Wynn: AGAIN, FOR FOLKS WHO HAVE VERY SPECIFIC QUESTIONS, STAFF IS OUT IN THE MEDIA ROOM AND CAN ANSWER DETAILED QUESTIONS BASED ON THE SIZE OF YOUR LOT AND QUESTIONS YOU MAY HAVE.

BY NAME IS BILL PEUTTE. I COME TO SPEAK IN OPPOSITION TO THE MORATORIUM THAT Y'ALL MOVED FORWARD ON

LAST WEEK. I AM A HOMEOWNER, I'M NOT CONNECTED WITH MY BUILDER, REALTOR, ARCHITECT GROUP. I LIVE IN THE PEMBERTON HEIGHTS AREA NEAR CLAIRE AND GASTON STREETS, BEEN THERE FOR 10 YEARS AND HAVE SEEN A TRANSFORMATION IN THE NEIGHBORHOOD IN THE LAST 10 YEARS, A VERY POSITIVE TRANSFORMATION OF YOUNG FAMILIES MOVING IN, REHABILITATING OLDER SMALLER HOMES, IN SOME CASES DOUBLING THE SIZE OF THOSE HOMES AND EVEN MORE, AND AS A RESULT WE HAVE LOTS OF YOUNG CHILDREN IN THE AREA. WE HAVE CAR POOLS IN THE AREA WHICH WE DIDN'T EARLIER. SO THAT IS ONE OF THE AREAS WHERE I THINK THIS ORDINANCE WOULD HAVE A VERY CHILLING EFFECT ON IS AS THE PREVIOUS SPEAKER MENTIONED, YOUNG FAMILIES MOVING IN AN EXPENSIVE HOUSE, 2/1, WANTING TO BUILD THE EQUITY, GROW THE EQUITY AND EXPAND THE HOUSE AS THEIR FAMILY EXPANDS, AND, YOU KNOW, HAVING A CHILLING EFFECT ON THAT. SO WE'RE IN OPPOSITION TO THAT AND I APPRECIATE YOUR TIME.

Mayor Wynn: FAIR ENOUGH. THANK YOU, SIR. FRANK MEYER. FRANK MEYER SIGNED UP NEUTRAL. THESE ARE ALL FOLKS WISHING TO SPEAK EITHER FROM LAST THURSDAY OR TONIGHT. SAUL MILLER. CHEF KESSEL. MICHAEL MASHBURN AGAINST. NANCY SHOWERS FOR. BARBARA BRIDGES, FOR. TOMAS PEYTON, FOR. THAT'S RIGHT. TOMAS, I REMEMBER YOU. THANK YOU. PLEASE STATE YOUR NAME FOR THE RECORD AND YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS JEFF CASTLE, I'M A LICENSED ENGINEER. I HAVE LIVED IN AUSTIN FOR THE LAST 26 YEARS, AND MY GENERAL PRACTICE IS WATER RESOURCES. I'VE HAD THE OPPORTUNITY TO WORK WITH YOUR WATERSHED PROTECTION STAFF OVER THE LAST 14 YEARS WORKING ON A LOT OF IMPORTANT CAPITAL IMPROVEMENT PROJECTS, MAINLY FLOODING, FLOOD CONTROL, EROSION CONTROL AND WATER QUALITY PROTECTION. AND I'M HERE TO SUPPORT THE INTERIM RULES AND THE MORATORIUM AND TO URGE YOU AS WE GO FORWARD THROUGH THIS PROCESS OF DEVELOPING RULES FOR THE INTERIM AND INTO THE FUTURE THAT WE KEEP A FOCUS -- I THINK THE FOCUS OUGHT TO GO BEYOND JUST THE LOCAL LOTS WHERE THERE IS LOCAL DRAINAGE

PROBLEMS TODAY. BECAUSE WHAT -- MY EXPERIENCE IS I'VE BEEN WORKING ON PROBLEMS DOWNSTREAM MY WHOLE CAREER AND I'M AWARE OF THE CITY'S INCREDIBLE INVESTMENT IN CONTROLLING FLOOD AND EROSION. WE JUST FINISHED A STUDY OF A WAWRD AND WE DID AN EROSION ASSESSMENT WHERE WE LOOKED AT CURRENT CONDITIONS AND INTO THE FUTURE, AND WHAT WE'RE SEEING IS WHAT'S GOING TO HAPPEN TO THAT CREEK IS IT'S GOING TO DOUBLE IN WIDTH AS THE WATERSHED DEVELOPS. AND THAT'S BEING DRIF ESPECIALLY BY IMPERVIOUS COVER. THESE RULES OUGHT TO INCORPORATE IMPERVIOUS COVER LIMITS. JUST PEOPLE ON A STEADY DIET OF MCDONALD'S, McMANSIONS ARE GOING TO MAKE OUR CREEKS A GREAT DEAL WIDER. [APPLAUSE]

Mayor Wynn: YOU WENT TO ENGINEERING SCHOOL FOR THAT!!?? [LAUGHTER]

I JUST GOT INSPIRED. [LAUGHTER] THE RULES SHOULD NOT JUST ADDRESS THE LOCAL FLOODING PROBLEMS BECAUSE THESE -- EVEN IF YOU UPGRADE THE STORM DRAIN SYSTEM IN THE IMMEDIATE PROBLEM AREA, WE'VE GOT ONE -- [INAUDIBLE - NO MIC]. THE NEXT LINK IN THE SYSTEM ARE THE CREEKS. AND AGAIN, WE'RE SPENDING TENS OF MILLIONS OF DOLLARS GETTING -- REMOVING HOMES FROM THE FLOODPLAIN AND STABILIZING THE BANKS. MR. PUETTE WAS JUST TALKING ABOUT THE BENEFITS OF THE ENLARGED HOMES IN HIS NEIGHBORHOOD AT GASTON AND CLAIRE. IMMEDIATELY DOWNSTREAM IS A SECTION OF SHOAL CREEK, LOWER SHOAL CREEK WHICH IS GOING OUT TO BID NEXT MONTH. THE CITY'S GETTING READY TO SPEND ON THE ORDER OF OVER \$500 PER FOOT TO STABILIZE THE CREEK DOWN BELOW THIS NEIGHBORHOOD. [BUZZER SOUNDS] SO I URGE YOU AGAIN, LET'S KEEP A FOCUS ON THE BIG PICTURE AND DOWNSTREAM IMPACTS AS WE GO FORWARD WITH THESE RULES. THANK YOU FOR YOUR WORKING ON THIS.

Mayor Wynn: THANK YOU. [APPLAUSE] BARBARA, WELCOME. YOU WILL HAVE THREE MINUTES.

I WANT TO THANK YOU ALL FOR ADDRESSING THIS ISSUE AND FOR PASSING THE ORDINANCE LAST WEEK. AS I'VE

DRIVEN THROUGH THE CENTRAL CITY IN THE PAST YEAR, I'VE BEEN HORRIFIED TO SEE THE DISAPPEARANCE OF HOMES THAT MAKE UP THE HISTORIC FABRIC OF OUR CENTRAL CITY. PERFECTLY SERVICEABLE SMALLER HOMES ARE TORN DOWN TO BE REPLACED BY LARGE SUBURBAN STYLE McMANSIONS LOOMING OVER THE NEIGHBORHOOD AND ITS PROPERTIES. THEY ALSO MAKE IT MUCH WARMER IN THESE NEIGHBORHOODS BY CUTTING DOWN THE TREES AND OFTEN ALSO ADDING LARGE REFLECTIVE SERVICES SO THAT THEIR NEIGHBORS MUST PUT UP WITH THE ADDED HEAT. ACCORDING TO THE CITY'S ONLINE RECORDS, DURING THE FIRST TWO WEEKS OF THIS MONTH, THERE WERE 50 REQUESTS FOR PERMITS TO REMOVE HOMES FROM THIS AREA. 41 TO DEMOLISH AND NINE TO RELOCATE. 26 OF THESE WERE FILED ON FEBRUARY 13TH. THIS IS OBVIOUSLY AN EVER ACCELERATING PROBLEM. FOLKS LIVING IN A 5,000 SQUARE FOOT HOME THAT LIVE LOT LINE TO LOT LINE BRING NO MORE DISENTHY THAN THE FOLKS LIVING IN THE 1200 SQUARE FOOT HOME IT PLACED. OPPONENTS OF THIS HAVE ARLGD ARGUED THAT THE LARGE HOUSES WILL HAVE HIGHER PROPERTY TAXES FOR THE CITY. THEY IGNORE THE FACT THAT NEIGHBORING PROPERTIES WILL ALSO SEE HIGHER FAXES AS A RESULT AND IN MANY CASES LONG TIME RESIDENTS WILL BE FORCED FROM THEIR HOMES THEY'VE LIVED IN FOR YEARS BECAUSE THEY CAN NO LONGER AFFORD THE TAXES. OPPONENTS OF THE ORDINANCE HAVE SAID THAT THIS ORDINANCE IS NOT NECESSARY BECAUSE NEIGHBORHOODS SHOULD ADDRESS THIS PROBLEM THROUGH THEIR DEED RESTRICTIONS AND HOMEOWNERS ASSOCIATIONS. INSTRUMENTS MUCH MORE EVIDENT IN THE DISTURBS AND OFTEN LACKING IN THE CENTRAL CITY NEIGHBORHOODS. AGAIN, AS A 40-YEAR RESIDENT OF ONE OF THE CENTRAL CITY NEIGHBORHOODS, I THANK YOU FOR STUDYING AND BRINGING THIS ISSUE FORWARD. FOR SUGGESTING OTHER ISSUES IN ACCORD WITH IT TO BE STUDIED SUCH AS OCCUPANCY LIMITS, AND I WOULD HOPE YOU WOULD ADD DUPLEX TO THE ORDINANCE ALSO. THANK YOU AGAIN. MAYOR THANK YOU, MS. --

Mayor Wynn: THANK YOU, MS. BRIDGES. COUNCILMEMBER MCCRACKEN.

McCracken: I DIDN'T CATCH WHICH NEIGHBORHOOD IT WAS

WHERE THERE HAD BEEN ALL THE DEMOLITION PERMITS
FILED.

THIS WAS 78703, 05.

THE AREAS THAT WERE THE 1984 AREA.

McCracken: AND HOW MANY DEMOLITION PERMITS WERE
THERE FILED IN THE FIRST TWO WEEKS OF FEBRUARY?
WHAT PERIOD WAS THIS?

FOR DEMOLISHING AND RELOCATING?

McCracken: YEAH.

50.

McCracken: OVER WHAT PERIOD WAS THAT?

TWO WEEKS.

McCracken: AND HOW MANY -- I'M SORRY, I WANT TO GET IT
CORRECTLY. AND HOW MANY ON FEBRUARY 13TH ALONE
WERE FILED?

26.

Mayor Wynn: THANK YOU, BARBARA. LET'S SEE, MORGAN
STONE IN OPPOSITION. DANIEL TURNER IN OPPOSITION.
MELANIE MARTINEZ IN FAVOR. WELCOME, SIR. ARE YOU MR.
TURNER?

I SPOKE LAST WEEK, STILL IN OPPOSITION.

THANK YOU VERY MUCH.

Mayor Wynn: AND MARK ODOM SIGNED UP WANTING TO
DONATE TIME TO YOU. MELANIE MARTINEZ FOR.
(INDISCERNIBLE) IN OPPOSITION.

DEAN BUREAU AND MARK ODOM'S TIME WILL BE COMBINED
AND I THINK DEAN IS GOING TO BE SPEAKING.

[INAUDIBLE - NO MIC].

Mayor Wynn: WHEN WE GET TO THE SPEAKER I'LL CALL OUT THE FOLKS DONATING TIME OR TRY TO.

I'M MELANIE MARTINEZ AND I'M IN SUPPORT OF THE INTERIM REGULATIONS. I REALLY APPRECIATE YOUR PASSING THAT. I LIVE IN THE HISTORIC FAIRVIEW PARK NEIGHBORHOOD AND I'VE INVESTED MILLIONS OF DOLLARS AND 15 YEARS WORKING ON RESTORING TWO HISTORIC HOUSES IN THAT AREA. AND I HAVE A McMANSION RIGHT ACROSS THE STREET FROM ME. TO WAKE UP AT MIDNIGHT TO SEE THE 1880'S COTTAGE ACROSS THE STREET FROM ME BEING RIPPED OUT AND THE NEXT DAY THE FOUNDATION GOING IN ON THE 50-FOOT WIDE LOT WAS JUST -- I JUST FELT TERRIBLE. AND I'M REALLY HOPEFUL THAT Y'ALL WILL CONTINUE TO WORK ON THIS AND HELP PROTECT THE NEIGHBORHOOD. THANK YOU.

Mayor Wynn: THANK YOU, MELANIE. [APPLAUSE] [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

ONLY BY INCREASING THE TAX BASE CAN WE ALLEVIATE THE CONSTANT UPWARD PRESSURE ON OUR NEIGHBORS' TAX BILLS. BY INCREASING INNER CITY DENSITY METRO HOUSE MEETS MANY OF THE GOALS. WE NEVER DUPLICATE A PLAN AND GIVE OUR NEIGHBORS AS MUCH PRIVACY AND RESPECT AS WE CAN WITHIN OUR BUILDING CONSTRAINTS. WE EMPLOY MANY PEOPLE AND SO MANY HAVE WRITTEN TO US IN APPROVAL FOR PUTTING A NEW HOUSING OPTION IN THE LANDSCAPE, AND OTHERS CLAIMING THEY DON'T FIT INTO THE NEIGHBORHOOD. SUCH IS THE NATURE OF CHANGE. SO MANY OF AUSTIN'S OLD GUARD ARE RESISTANT TO CHANGE. IN THE 70'S THE OLD GUARD SAID LET'S NOT BUILD ROADS AND MAYBE THEY WON'T COME, BUT THEY CAME ANYWHERE, AND TODAY THEY ARE RESTRICTING THE DEVELOPMENT OF OUR SINGLE-FAMILY NEIGHBORHOODS AND SAYING MAYBE THEY WON'T COME. I'M ASKING YOU TO TRUST THE NEW GUARD OF AUSTIN. HE ASKS US TO COME AND WE DID. METRO HOUSE IS A HOME GROWN BUSINESS AND EVERYONE THERE IS PASSIONATE ABOUT WHAT WE DO. WE WISH TO STAY IN AUSTIN AND CONTINUE BUILDING IN AUSTIN. APPLIC THESE RESTRICTIONS EFFECTIVELY SHUTS

US DOWN. MY QUESTION IS THIS. IS THERE ROOM IN AUSTIN TO METRO HOUSE? THANK YOU FOR YOUR CONSIDERATION. (APPLAUSE).

THANK YOU. (APPLAUSE CONTINUES).

THANK YOU, THAT WAS VERY HELPFUL, ACTUALLY. SAM MARTIN, AND SANDRA FOUR, AND GREGORY BROOKS, AND JULIE MAY YOUR WAY FORWARD, ROB, FOR, AND BECKY COMBS, FOR, SHE'S BEEN STAND THRG TWO WEEKS. LINDA, FOR -- PLEASE COME FORWARD AND STATE YOUR NAMES FOR THE RECORD. STEP RIGHT UP.

MAYOR AND COUNCILMEMBER, GREG ROGERS, I'M A RESIDENT OF TRAVIS HEIGHTS. I WOULD LIKE TO SHARE A COUPLE OF EXAMPLES WITH YOU THAT I THINK NEED TO BE CONSIDERED IF I CANNILY IN -- PARTICULARLY IN LIGHT THAT THE FAR DOES NOT INCLUDE PORCHES. THIS IS THE TYPE OF McMANSION THAT WE WOULD LIKE TO PUT A STOP TODAY. IT IT IS 2300 FEET OF HOWT DOOR LIVING SPACE IN THE PORCH, ON THE FIRST, SECOND AND THIRD FLOOR, BOTH FRONT AND BACK. THE VISUAL IMPACT OF THIS HOUSE ON THE NEIGHBORS AND THE IMPACT OF THIS HOUSE ON DRAINAGE AND WHAT NOT IS THAT OF 5600 SQUARE FOOT HOUSE. YOU KNOW, I IMPLORE YOU TO INCLUDE IN THE RESTRICTIONS SOME -- SOMETHING ABOUT YOU KNOW, TO RESTRICT THIS KIND OF HOUSE FROM BEING BUILT. THESE ARE EXE SILY LARGE AND PRIMARILY DUE TO THE EXCESSIVE AMOUNT OF OUTDOOR PORCH SPACE. THIS IS NOT A TRADITIONAL FRONT AND REAR PORCH LIKE YOU CAN SEE ON THE NEIGHBORING HOUSE THERE IS. AND THE OTHER EXAMPLE -- BEFORE WE MOVE TO THE OTHER EXAMPLE, I WANT TO POINT OUT SOMETHING THAT COUNCILMEMBER McCRACKEN SAID EARLIER, HE SAID HE SUPPORTED ITEM 44 BECAUSE, QUOTE, THE OWNER WISHED TO BUILD ON SOMETHING THAT WAS ALREADY THERE. AND IF THIS SORT OF STRUCTURE IS ALLOWED AND IF WE DON'T INCLUDE PORCHES IN THE F.A.R. CALCULATION THEN YOU CAN EXPECT MORE OF THIS TYPE OF HOUSE TO BE BUILT, AND WHEN WE COME FOR A PER NOIT ENCLOSE THE SPACE BECAUSE IT'S ALREADY UNDER ROOF AND IS PLUMBED FOR AN OUTDOOR KITCHEN I WOULD EXPECT HIM TO SAY WELL, YES, BECAUSE IT'S ALREADY THERE, SO I ASK YOU TO

INCLUDE EXCESSIVE PORCHES AND GARAGES IN THE F.A.R. CALCULATIONS. THIS IS JUST ANOTHER EXAMPLE WITHIN OUR TRAFS HEIGHTS -- TRAVIS HEIGHTS NEIGHBORHOOD. AND THIS PARTICULAR HOUSE YOU CAN SEE IN THE TOP PHOTO THAT IT'S RIGHT UP AGAINST THE LOT LINES AND IT'S BUILT TO THE FRONT AS FAR AS IT CAN GO AND TO THE BACK AND THE SOUTH SIDE AS FAR TUCSON, ARIZONA CAN GO. -- AS FAR AS IT CAN GO. AND IN THE OTHER PICTURE YOU ARE SEE THE SPACE FOR LAUNDRY AND STORAGE. THIS IS IN THE TRAVIS HEIGHTS NEIGHBORHOOD WHICH TYPICALLY HAS A SINGLE-CAR GARAGE IF ANY AT ALL. SO WITHOUT INCLUDING THE GARAGE AND PORCH SPACE IN THE F.A.R. I WOULD EXPECT TO SEE MORE OF THIS TYPE OF THING, BUILDING HOUSES THAT MEET THE TECHNICAL REQUIREMENTS BUT ARE ALL SET TO REMODEL TO ENCLOSE THOSE SPACES IN, AND AS THE COUNCILMEMBER SAID, THAT SPACE IS ALREADY THERE AND SO WE WOULD EXPECT IT TO BE ALLOWED.

THANK YOU, MR. ROGERS -- (APPLAUSE).

PLEASE STEP FORWARD IF I CALLED YOUR NAME EARLIER. I KNOW I CALLED BECKY AND LINDA.

HELLO, MY NAME IS ROB, I'M SPEAKING OUT AGAINST THE TEMPORARY REGULATIONS, PRIMARILY THE INCLUSION OF DUPLEXES. FOR A YEAR I'VE BEEN WORKING ON A PROJECT ACROSS THE STREET, A 100--YEAR-OLD HOUSE WE ARE REHABBING, AND WE ARE ALSO WORKING ON PROJECTS IN THE NEIGHBORHOOD, IT'S A PROJECT THAT WILL ENHANCE THE HISTORIC NEIGHBORHOOD AND RESULT IN LIVABLE HOMES LESS THAN A MILE FROM THE CAPITAL. FOR MORE THAN A YEAR WE'VE BEEN ENCOURAGED TO DO THIS NOT ONLY BY OUR NEIGHBORS BUT ALSO BY THE CITY OF AUSTIN. RARE IS THE MORNING WHEN I DON'T OPEN THE PAPER AND READ ABOUT THE CITY'S PUSH FOR THE PUSHEN CORE. -- PUSH IN THE URBAN CORE. STILL WE HAVE CHOSEN NOT PUT AS MANY UNITS ON THE LAND AS POSSIBLE AND HAVE DESIGNED THEM TO LOOK LIKE THEY'VE BEEN A PART OF THE NEIGHBORHOOD FOR A CENTURY. EACH WITH A LOOK AND SIZE THAT FITS SEAMLESSLY IN THE NEIGHBORHOOD. BUT IT'S A PLAN THAT IS NOW AT RISK. DISPINT THE FACT THAT IT FOLLOWS THE GUIDELINES AS

LAI D OUT BY THE CITY ON SIZE AND IMPERVIOUS COVERER OR AT LEAST DID BEFORE THE SWOOP OF THE PEN, AND NOW IT MAY MOVE YET AGAIN, TOSSING IN THE TRASH THE COUNTLESS DOLLARS SPEPT BECAUSE THE RULES STATE IF YOU CHANGE THE RULES OF THE MORATORIUM, YOU MUST DO SO TONIGHT OR NOT AT ALL. AND IF YOU POLICE DUPLEXES -- IF YOU PLACE DUPLEXES UNDER THE NEW RULES YOU WILL DO DAMAGE TO THE DEVELOPERS OF DUPLEXES AND THERE ARE ALREADY LIMITS ON SIZE OF LOT, STRUCTURE, IMPERVIOUS COVER AND PARKING SPACES. AND TO FURTHER TIGHTEN THE CONTROLS WILL MAKE IT IMPOSSIBLE FOR PEOPLE TO BUILD LIVABLE MARKETABLE UNITS, THERE ARE ALREADY THESE RESTRICTIONS AND IF YOU MUST INCLUDE DUPLEXES I SUGGEST THAT THE RESTRICTIONS BE DIFFERENT AND TAKE INTO CONSIDERATION THE ALREADY EXISTENCE RESTRICTIONS ON DUPLEXES. NOBODY DOING BOUTIQUE DEVELOPMENT WILL CONTINUE TO WORK IN THIS STIRKS AND -- CITY AND I'M TALKING ABOUT PROJECTS ON A SMALLER SCALE WHICH TAKE INTO CONSIDERATION APPROPRIATENESS AND ATTRACTIVENESS AND ARE NOT DRIVEN EXCLUSIVELY BY THE BOTTOM LINE. SO TAKE THAT OUT, THE DEVELOPMENT SOUGHT BY THE CITY WILL NOT HAPPEN AND TWO THE DEVELOPMENT WILL BE DONE BY DEVELOPERS FROM OUTSIDE THE CITY WITHOUT CONCERN FOR NEIGHBORHOODS OR COMPATIBILITY AND MOST IMPORTANTLY WITHOUT CONCERN FOR LONG-TERM EFFECTS AND THAT WOULD BE A SHAME. THANK YOU VERY MUCH. (APPLAUSE) THANK YOU. EDWARD --

HE MADE SEVERAL POINTS. WE HAVE HAD SIGNIFICANT DEBATE ON RESTRICTIONS ON DO YOU LEXES AND WE ARE STILL CONTEMPLATING THAT AND ARE PUTTING IN PLACE AS QUICK AS PATRIOTAL VARIANCE REQUESTS FOR FOLK WHO IS CAN SHOW US PROJECTS AND EXPENSES -- I THINK THERE IS GOING TO BE A LOT OF FAIR PLAY SHOWN WHEN IT COMES TO FOLK WHO IS HAVE STARTED PROJECTS, WHETHER OR NOT WE INCLUDE THE DO YOU LEXES BUT WE -- DUPLEXES BUT WE APPRECIATE YOUR COMMENTS.

EDWARD I SPOKE LAST WEEK AND THANK YOU FOR TAKING ON THIS ISSUE AND I APPLAUD OUR COMMITMENT TO LEGITIMATE SMART GROWTH IN THIS CITY THAT WILL MOST

LIKELY INCLUDE THE METRO HOME AND THE RESTRICTIONS IN THE SF3 ZONING.

THANK YOU, EDWARD, BECKY.

GOOD EVENING, BECKY COMBS, AYE LIVED HERE SINCE 1969 AND I WAS HERE LAST WEEK BUT I MISSED THE VERY BEGINNING OF YOUR PRESENTATION. BUT I WAS INTERESTED TO FIND OUT THAT THE HOUSE I LIVED ON WESTOVERROAD, THE LITTLE YELLOW COTTAGE THAT IS NOW A HUGE TWO-STORY DO YOU LEKS WAS ONE OF THE POSTER CHILDREN OF BAD DEVELOPMENT. I HAVE AN EMOTIONAL -- IT'S HARD FOR THOUGH GET UP HERE AND SEE WHAT HAS HAPPENED. I COMMEND YOU FOR WHAT YOU'RE DOING AND I WISH YOU HAD DONE IT FOUR YEARS AGO. THIS IS A HARD, HARD ISSUE. AND I KNOW -- YOU KNOW, IT'S REALLY CHOKES ME UP. MAYOR WYNN, I KNOW WHEN YOU DRIVE YOUR DOIDZ SCHOOL THAT IS -- YOUR KID TO SCHOOL THAT IS THE ONE YOU'RE TALKING ABOUT AND A HALF USED TO BE MY HOUSE. PEOPLE WHO SAY THERE ARE NOT DRAINAGE PROBLEMS, THERE ARE HORRIBLE DRAINAGE PROBLEMS ON THAT STREET AND THAT LOT, AND IT'S GOING TO BE WORSE WITH THAT HOUSE. I SAW SOMETHING IN THE PAPER ABOUT GOOD DESIGN MAKES GOOD NEIGHBORS AND I HAVEN'T HEARD ANYBODY HERE TONIGHT SAYING YOU KNOW, I'M GLAD FOR THE CREATIVE CLASS AND ALL OF THESE PEOPLE MOVING HERE BUT WHAT ABOUT OUR KIDS BEING ABLE TO HAVE NICE GARDENS AND NOT HAVE ALL OF THE LIGHT BLOCKED OUT AND BUILD RIGHT UP TO THE EDGES OF THE LOT. SO I COMMEND YOU FOR WHAT YOU'RE DOING. PLEASE GO FORWARD AND PASS THIS ORDINANCE TONIGHT AND, PLEASE, INCLUDE DO YOU DUPLEXES IN THE ORDINANCE.

THANK YOU, MS. COMBS. (APPLAUSE).

WHILE LINDA APPROACHES, MORE NAME, LINDA, CLAW DEBT FOR, AND MART RET FOR, SAUNDRA FOR, AND CURRY FOR AND PIERCE BRENNEN AGAINST.

THANK YOU, COUNCILMEMBERS, APPRECIATE THE OPPORTUNITY SAY A FEW WORDS. MOST OF WHAT I WOULD LIKE TO SAY HAS BEEN SAID AND I WON'T SAY IT AGAIN, BUT I

WANT TO PICK UP ON THIS IS A NATION-WIDE TREND AND I'M GLAD YOU'RE PAYING ATTENTION. OUR PLANNING FOR HOW WE ARE GOING TO FILL IN AND ARRANGE AND LIVE IN OUR CENTRAL AUSTIN AREA, I DID THE RESEARCH SORT OF LIKE WHAT BARBARA DID ABOUT THE NUMBER OF PERMITS LET -- APPLIED FOR LAST YEAR. BECAUSE YOU'VE BEEN CRITICIZED FOR THE HASTE WITH WHICH YOU HAVE SNUCK THIS IN. BUT IN POINT OF FACT IF YOU HADN'T THERE WOULDN'T BE ANYTHING THROAFT PROTECT BY THE -- LEFT TO PROTECT BY THE TIME YOU GOT DONE. (APPLAUSE). I THINK YOU HAVE TO SAY KING'S X SOMETIMES AND SUSPEND ACTIVITY FOR A MOMENT SO WE CAN BE RATION NL OUR CONSIDERATIONS OF WHAT KIND OF ACTIVITY WE WANT TO HAVE AS WE PROCEED. LAST YEAR 437 PREDICTIONS FOR DEMOLITION PERMITS WERE FILE AND 403 WERE ADMINISTRATIVELY APPROVED. 11 AFTER OR WERE FILED AFTER THE PROPERTY WAS ALREADY DOE MOLISHED - - DEMOLISHED AND THAT WAS INTERESTING TO ME. ONLY FOUR OF THOSE WERE FORWARDED TO THE HIS HISTORIC LAND COMMISSION TO REVIEW. WE THINK OF THEM AS PROTECTING OUR OLDER STRUCTURES AND THEY ONLY HAD 21 REFERRED AND OF THOSE THEY ONLY RECOMMENDED DENYING FIVE. THERE WERE 11 THAT THEY APPROVED, THEY SENT FORWARD AND SAID, GO AHEAD AND TEAR THEM DOWN AND THEN SOME THAT ARE STILL PENDING. WHAT STRUCK ME THE MOST -- I'VE HEARD THE EAST AUSTIN MINISTER TALK ABOUT WHAT IS GOING NONEAST AUSTIN AND I'VE BEEN ROOL WARE THOOF -- REALLY AWARE OF THAT FOR A LONG TIME BUT TARRYTOWN GRAP GRABBED MY ATTENTION WITH 40 DEMOLITIONS, AND I DON'T KNOW HOW MANY HOUSE ARE THERE, BUT 40 IS A LARGE PERCENTAGE AND BETWEEN THEN AND TODAY, NINE DEM LITIONS HAVE BEEN -- DEMOLITIONS HAVE BEENIVED -- HAVE BEEN RECEIVED. SO IT LOOKS LIKE IT'S HAVE A IN ADDITIONING -- VANISHES. EYE APPRECIATE YOU GIVING US AS A CITY THE OPPORTUNITY DO THIS.

THANK YOU.

COUNCILMEMBER.

I KNOW YOU PROBABLY DON'T HAVE IT RIGHT NOW BUT I THINK IT WOULD BE HELPFUL FOR US ON THE TASK FORCE

AND THE STAKEHOLDER GROUP AS WE WORK THROUGH THIS TO LEARN BHOH WHERE THESE DEMOLITION PERMITS WERE FILED THIS YEAR AND LAST YEAR. IT'S VERY LIMITING - - WE NOW HAVE ABOUT 50 FILED IN TEAR TOWN IN THE -- TARRYTOWN IN THE PAST 15 MONTHS. AND IF YOU HAVE ACCESS TO THAT, AND LOOKS LIKE YOU DO, WHERE THESE PERMITS ARE HAPPENING AND I THINK IT WOULD BE HELPFUL TO KNOW WHAT REPLACED THEM. I KNOW THAT IS A LOT OF WORK AND WE HAVE A LOT OF GOOD COMMUNITY FOLKS ON EITHER SIDE THAT CAN HELP --

AND I DON'T KNOW WHAT REPLACED THEM, I DIDN'T HAVE THE TIME OR THE ACCESS TO THAT. THAT WOULD HAVE TAKEN SOMEONE WHO KNOWS MORE THAN I DO ABOUT THE FACT, BUT I WAS JUST GOING WITH THE RAW DATA OF THE DEMOLITION PERMITS.

AND THAT COULD BE A GOOD ITEM OF STAFF SUPPORT FOR THE STAKEHOLDER GROUP TO GIVE US A SENSE OF WHAT IS GETTING TORN DOWN AND WHAT IS REPLACING IT? HOW BIG, HOW MASSIVE AND THE CHARACTER ISSUES. I THINK WE CAN LOOK THAT -- (APPLAUSE).

IF I CALLED YOUR NAME EARLIER STEP UP TO EITHER MIC AND STATE YOUR NAME AND BEGIN SPEAKING FOR THREE MINUTES, WELCOME.

GOOD EVENING, MY NAME IS ELIZABETH BROOKS. I AM A RESIDENT OF TRAVIS HEIGHTS AND I'VE BEEN HERE 16 YEARS, I'VE LIVED IN AUSTIN OVER 45 YEARS. I'M ALSO A REAL ESTATE BROKER AND HAVE BEEN WORKING IN SALES IN OLDER CENTRAL AUSTIN NEIGHBORHOODS FOR 14 YEARS. I WOULD JUST -- YEARS, AND I WOULD JUST LIKE TO ADDRESS THE VALUE ISSUES THAT CAME UP LAST WEEK. I OFTEN HEARD COMMENTS FROM THE OPPOSITION TO THIS MANDATE THAT SOMEHOW THEY WERE IMPROVING OUR VALUE IN THOSE OLDER NEIGHBORHOODS, AND I WOULD JUST LIKE TO DISPUTE THAT. OUR CENTRAL AUSTIN NEIGHBORHOODS HAVE BEEN APPRECIATING AT THE HIGHEST RATES IN AUSTIN, AND THEY HAVE BEEN DOING SO BECAUSE OF THE PEOPLE WHO APPRECIATE THE HISTORY OF THOSE NEIGHBORHOODS AND OF AUSTIN AND WHO DO APPRECIATE THE CONSTRUCTION QUALITY OF EARLIER

TIMES. I WOULD LIKE TO ALSO POINT OUT THAT IN EVERY CASE AT RESALE, OLDER HOMES IN CENTRAL AUSTIN BRING FAR HIGHER PRICES PER SQUARE FOOTAGE THAN THE KNEWER -- THAN THE NEWER HOMES DO. AND FURTHER ON THAT ISSUE, THERE WAS DISCUSSION LAST WEEK ABOUT HOW McMANSIONS ARE GOING TO IMPROVE OUR PROPERTY VALUES. I THINK THAT THE DEAR WOMAN IN TARRYTOWN WHOSE PICTURE WAS IN THE PAPER AS WELL AS THE OTHERS WHO HAS A BIG BOX RIGHT BESIDE HER AND SHE CAN NOT NOW ENJOY HER PORCH OR LOOK OUT HER WINDOW AND WHOSE GARDEN HAS DIED CANNOT AGREE THAT HAS ADDED ANY STROOL HER HOME. IN HOME HER HOME IS NOW WORTH LOT VALUE AND HER HOUSE IS WORTH NOTHING. NF DISCUSSING THIS LAST WEEK WITH SOMEONE PRIVATELY -- NOT A DEVELOPER, BUT JUST SOMEONE ON THE OTHER SIDE OF THE ISSUE, HE SAID, WELL T'S NOT GOING TO MATTER THE MANDATE ANYWAY BECAUSE BIG MONEY ALWAYS WINS. I APPRECIATE YOUR COURAGE IN ADDRESSING THIS ISSUE, AND WE'LL LOOK FORWARD TO MORE ALONG THE SAME LINES. THANK YOU SO MUCH. (APPLAUSE).

MAYOR WYNN, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS TERRY MIRES, I'M A PROFESSIONAL HISTORIC PRESERVATION CONSULTANT, I DO PROJECTS ALL OVER THE COUNTRY. AND MY OWN CITY DOESN'T HAVE HISTORIC DISTRICTS, BUT I DIDN'T COME HERE TO TELL YOU THAT, I THINK YOU ALREADY KNOW THAT. JUST LAST WEEK WHEN Y'ALL WERE TALKING ABOUT THE MORATORIUM, PRESERVATION TEXAS, THE PREMIER PRESERVATION ADVOCATE IN TEXAS LISTED THE CENTRAL CITIES IN TEXAS AS BEING AMONG THE MOST ENDANGERED HISTORIC PROPERTIES IN THE STATE. AND AUSTIN WAS SINGLED OUT SPECIFICALLY TARRYTOWN, AND OLD WEST AUSTIN AND PEMBERTON SINGED OUT AS THE MOST ENDANGERED. BUT I CAN TELL YOU FROM PERSONAL EXPERIENCE AND MY FRIENDS WHO LIVE IN THE CENTRAL CITY THAT HANCOCK, HERITAGE, TRAVIS HEIGHTERS AND NUNA ALL OF THESE ARE EXPERIENCING THE SAME THINGS. I WITNESS STAND TO SAY TO THE -- I WANTED TO SAY TO THE GENTLEMAN WHO SAID YOU'RE TAMPERING WITH THEIR PROPERTY RITES AND THAT PEOPLE WHO COME INTO THESE NEIGHBORHOODS

TAKE RISK, I DIDN'T REALIZE THAT, I MOVED INTO A NEIGHBORHOOD OF ALL HISTORIC HOMES ON MY BLOCK AND I MOVE THRD BECAUSE OF THAT AND I DO THOUGHT CONSIDER MYSELF UNCREATIVE, BUT MY PROPERTY RIGHTS ARE LOST WHEN THE HOUSE ACROSS THE STREET FROM ME GETS DEMOLISHED AND ONE OF THESE HUGE HULKING, NO-DESIGN PROPERTIES GOES UP AND I HAVE TO LOOK AT THAT. THE QUALITY OF MY LIFE IS AFFECTED. AND THE QUALITY OF MY NEIGHBORS' LIVES, ALL OF US EXPECTED THAT WE WERE LIVING IN AN HISTORIC NEIGHBORHOOD. WE ARE JUST ASKING YOU TO GIVE US -- GIVE THE MORATORIUM A CHANCE SO THAT WE CAN COME TO SOME IDEA, SOME COMMON GROUND WHERE WE CAN HAVE NEW CONSTRUCTION IN THE HISTORIC NEIGHBORHOODS BUT THAT IT DOESN'T FLY IN THE FACE OF WHAT TRULY MAKES AUSTIN AUSTIN. THANK YOU. (APPLAUSE).

AS THIS JAMAICAS HIS WAY FORWARD, OTHER FOLKS TO SPEAK VICKY ALSTROM FOR, EMILY BANKSTON FOR.

WELCOME.

MAYOR AND COUNCIL, WITH YOUR INDULGENCE I MISSED THE CALL AND I WOULD LIKE TO SPEAK, SAM MARTIN, I LIVE ON TRAVIS HEIGHT BOULEVARD, AND I WANTED TO SPEAK IN PRAISE OF THE MORATORIUM. YOU'RE LISTENING TO THE NEIGHBORHOODS THAT ARE SAYING THERE IS AN ISSUE HERE THAT WE HOPE CAN BE ADDRESSED. WE APPRECIATE WHAT YOU'VE DONE SO FAR AND LOOK FORWARD TO THE PERMANENT ORDINANCE WHICH WILL COME IN PLACE. I JUST WANTED TO -- A COMMENT WAS MADE QUITE A BIT EARLIER AND HAD TO DO WITH COMPATIBILITY WITHIN THE NEIGHBORHOOD. AND EXAMPLES HAVE BEEN GIVEN BY A PREVIOUS SPEAKER OF THREE-STORY HOUSES SHADING ONE-STORY HOUSES AND I HOPE THERE IS ALLOWANCE MADE FOR COMPATIBILITY WITHIN A BLOCK, SOME RATIOS SO WE DON'T LOSE ALL COMPATIBILITY WITHIN THE NEIGHBORHOOD. SO THERE IS SOME STANDARD BESIDE JUST AN ABSOLUTE STANDARD FOR THE ENTIRE CITY. AND THAT WAS THE ONLY POINT I WANTED TO BRING UP AND I APPRECIATE YOUR HELP.

THANK YOU. (APPLAUSE).

HI, I'M EMILY BANKSTON, I WAS BORN AND RAISED AND AM A HOMEOWNER IN EAST AUSTIN AND I WANTED TO ENCOURAGE YOU TO SUPPORT ANY MEASURES, ALONG WITH THIS ORDINANCE. MY NEIGHBORHOOD ASSOCIATION HAS BEEN LOOK AT DIFFERENT WAYS TO PROTECT OUR NEIGHBORHOOD FROM THIS TYPE OF DEVELOPMENT. WE ARE FINDING THERE ARE NOT REALLY ANY PROTECTIONS IN PLACE. SOMEONE MENTIONED TRYING TO SEEK HISTORICAL STATUS BUT THERE IS NO LOCAL PROTECTION WE CAN GET, I KNOW OTHERS SOUGHT PROTECTION AT THE NATIONAL LEVEL BECAUSE -- BUT IT'S TAKEN YEARS AND TENS OF THOUSANDS OF DOLLARS TO GET THAT ACCOMPLISHED. AND FOR US IN EAST AUSTIN IT'S GOING TO BE A LOT HARDER FOR US. AND I SPEAK AS A HOMEOWNER AND NOT ON BEHALF OF MY NEIGHBORHOOD ASSOCIATION, I KNOW A LOT OF THE PEOPLE WITH INTERESTED AND I HOPE THAT YOU SUPPORT THIS MEASURE AND THANK YOU VERY MUCH FOR GIVING US TIME AND FOR BRINGING IT UP, THANK YOU. (APPLAUSE).

CHRIS ALAN IN FAVOR, PHYLLIS BRINKLY IN FAVOR, DANA IN FAVOR, MAR WILL A KENT IN FAVOR, PATTY IN FAVOR, JENNIFER, AND LAURIE IN FAVOR, WHO MAY HAVE SPOKE LAST THURSDAY, LAURIE AGAINST, NATHAN STEPHENS, NEUTRAL. YES, YOU JUST -- JUST STEP UP, WELCOME.

MY NAME IS PIERCE BRENNEN, I'M A HOUSE BUILDER. BREKEN WOODS WAS BUILT IN THE LATE 30'S OUT OF CORNFIELD AND A DAIRY, A SERIES OF STARTER HOME, 1200 TO 1500 SQUARE FEET. THEY ARE BASICALLY NOT HISTORIC HOUSES IN MY OPINION, THEY ARE BUNGALOWS OF COTTAGES THAT WERE BUILT VERY SIMPLY TO PROVIDE AFFORDABLE HOUSING TO PEOPLE WHO WANTED TO MOVE TO THE OUTSKIRTS OF TOWN AND THEY ARE NOW THE CENTRAL CITY. THE PEOPLE WHO LIVE HERE PAY A HIGH PRICE TO LIVE HERE SO THEY DON'T HAVE TO COMMUTE AND A HALF IS PART OF THEIR PRIVILEGE AND THE MONEY THEY SPEND ON THE HOUSES IS WHAT THEY GET. THESE PEOPLE WANT BIGGER HOUSES. NOBODY WANTS TO LIVE IN A 1200 OR 1400 SQUARE FOOT HOUSE. THERE ARE DRAINAGE ISSUES AND A LOT OF THEM ARE BECAUSE OF LAX ENFORCEMENT OF THE

IMPERVIOUS COVER. IT IS A 4,000 SQUARE FOOT HOUSE AND WOULD NOT FIT THE PARAMETERS OF THE NEW MORATORIUM AND DOES NOT COVER ANY MORE OF THE COVER THAN I'M PERMITTED BUT I LOOK AROUND ME AND I SEE LAX ENFORCEMENT, HOUSES GOING UP THAT COVER THE ENTIRE LOT AND A HALF IS THE CITY'S JOB TO ENFORCE. THE INSPECTORS ARE UNDERSTAFF AND THEY COMPLAIN ALL THE TIME THAT THEY CAN'T GET THROUGH THEIR DAY'S ASSIGNMENTS AND CAN'T LOOK FOR VIOLATIONS. I THINK A LOT OF THE DRAINAGE ISSUES ALTHOUGH THERE MAY BE INFRASTRUCTURE I THINK A LOT OF THOSE ARE PEOPLE DRAINING ON TO THEIR NEIGHBORS LAND, AND THAT IS ILLEGAL, I BELIEVE UNTIL TEXAS STATUTE. I BELIEVE THAT NEEDS TO BE ENFORCED AND A LOT OF THE SIMPLE DRAINAGE ISSUES WOULD GO AWAY AND THERE ARE BUILDERS IN THE CENTRAL CITY THAT CREATE DRAINAGE PROBLEMS FOR THEIR NEIGHBORS. I CAN'T CONDONE THAT, BUT I ALSO THINK THIS IS A CLASS ISSUE. ABOUT PEOPLE WHO DON'T LIKE BIGGER HOUSES OR PEOPLE THAT CAN AFFORD BIGGER HOUSES AND IT'S NOT FAIR TO THEM. IF THEIR TAXES ARE GOING UP, THEY NEED TO SELL, TAKE THEIR PROFIT AND MOVE ON. I DON'T THINK THAT -- I DON'T THINK -- I DON'T THINK YOU'RE GOING TO BE ABLE TO LEGISLATE EQUALITY, THIS IS NOT DR. ZHIVAGO AND YOU CAN'T LEGISLATE HOW BIG A HOUSE PEOPLE CAN BUILD, IF THEY BUILD WITHIN THE CITY, THEY CAN BUILD WHATEVER THEY WANT, I THINK THAT IS A NEIGHBORHOOD FACT THAT NO ONE HAS ADDRESSED.

THANK YOU, MR. BRENEN.

(SCATTERED APPLAUSE.)

I'M JENNIFER, AND SOMEONE SAID THAT EDUCATED PROFESSIONALS DON'T WANT TO LIVE IN SMALL BUNGALOWS, I'M AN EDUCATED PROFESSIONAL AND I MOVED BACK TO AUSTIN TO DO JUST THAT. THE GENTLEMAN BEFORE ME SAID IT'S A CLASS ISSUE. I CAN AFFORD A HOME THREE TIMES THE SIZE OF MY HOME BUT I CHOOSE TO LIVE HERE BECAUSE I LOVE IT. THIS ORDINANCE ALLOWS ME TO REPLACE THE HOUSE I HAVE WITH A 25,000 SQUARE FOOT HOME, I WOULD LIKE TO RAISE A FAMILY AND I THINK THAT IS SUFFICIENT SPACE FOR ME TO DO THAT. WE ARE TRYING TO

TELL OUR NEIGHBORS WHAT TO DO? I DON'T THINK THAT IS THE CASE. I CAN ONLY SPEAK ANECDOTALLY FROM MY SITUATION ON MY BLOCK THAT IS UNFOLDING AS WE SPEAK. IT'S NOT MY NEIGHBORS THAT ARE CAUSING THE PROBLEMS. THE PEOPLE ACROSS THE STREET FROM ME HAVE TURN AD FOUR BEDROOM PROPERTY INTO AN EIGHT BEDROOM PROPERTY AND I'M NOW GOING TO HAVE BETWEEN EIGHT AND 12 STUDENTS ACROSS THE STREET FROM ME AND I LOIF ON A DEAD -- I LIVE ON A DEAD END STREET SO YOU CAN IMAGINE HOW THIS IS GOING TO IMPACT MY QUALITY OF LIFE AND THE TRIEGHT ENJOY MY PROPERTY. I HAVE SPENT THE BETTER PART OF TWO DAYS ON THE PHONE WITH THE CITY TRYING TO GET SOMEONE TO DO SOMETHING ABOUT THE PROPERTY DPROOTS ME, AND I UNDERSTAND THAT PEOPLE ARE WELL MEANING, I DON'T UNDERSTAND THEIR WORK LOAD BUT BY THE TIME I GET SOMETHING DONE I FEEL THAT THE CONSTRUCTION IS GOING TO BE COMPLETED AND IT'S A DONE DEAL AT THAT POINT. THE ENFORCEMENT ISSUES ALSO SEEM TO BE PRESENT WHEN YOU LOOK AT THESE HOMES THAT COVER EVERYTHING WITHIN FIVE FEET OF THE PROPERTY LINE, HOW ARE THESE BES BUILT AND WHERE ARE WE NOT ENFORCING THE 50% IMPERVIOUS COVER?

OKAY, COUNCIL, HOLD YOUR BREATH, THIS IS ALL OF THE FOLKS ACCORDING TO OUR SIGN-UP SHEETS AND GRANTED THIS HAS BEEN A COMPLICATED ISSUE, ARE THERE ANY OTHER FOLKS WHO WOULD LIKE TO SPEAK REGARDING THIS PUBLIC HEARING? PLEASE STEP FORWARD AND STATE YOUR NAME FOR THE RECORD AND WE APPRECIATE ALL OF THE FLEXIBILITY AND PATIENCE.

MY NAME IS DAVID, I SHOULD BE ON THE LIST, I SIGNED UP LAST WEEK, STARTED WITH A C. I LIVE IN TRAIKS HEIGHTS -- TRAVIS HEIGHTS, I'M IN OP TOPTION THE ORDINANCE BUT -- OPPOSITION TO THE OR THE UNANIMOUS BUT ONLY TWO ASPECTS OF IT. THE FIRST THAT WILL AFFECT ME VERY POORLY IS UNDER THE DEVELOPMENT REGULATIONS, NUMBER ONE WHERE IT REQUIRES THAT ANY APPLICATION FOR A DEMO LITION PERMIT BY ACCOMPANIED BAY BUILDING PERMIT -- BY A BUILDING PERMIT. I WOULD LIKE TO APPLY FOR A PERMIT AND NOT REPLACE THE USE THAT IS ALREADY THERE, AND THIS KEEPS ME FROM DOING THAT, AND WHAT I

DON'T UNDERSTAND RIGHT NOW IS WHERE YOU HAVE THAT REQUIREMENT THERE. WHY REQUIRE SOMEONE TO REQUEST A BUILDING PERMIT IN ORDER TO REQUEST A DEMOLITION PERMIT? VERY CLEARLY THE LAW REQUIRES THAT MY APPLICATION WOULD NOT BE ACCEPTED. THE SECOND PROBLEM THAT I HAVE -- AND I ACTUALLY AM NOT OPPOSED TO THE IDEA OF A McMANSION KIND OF ORDINANCE. I LIVE IN A 900 SQUARE FOOT HOUSE RIGHT NOW AND I'M BUILDING AN 850-FOOT APARTMENT BEHIND IT, AND WHAT I HAD PLANNED TO DO WAS MOVE INTO THE APARTMENT, TEAR DOWN THE 900 FOOT SHACK AND GROW PEACHES. I HAVE ON EITHER SIDE OF ME A THREE-STORY 35-FOOT TALL BUILDING TO THE SOUTH AND NORTH. ONE OF THEM WOULD HAVE BEEN PREVENTED BY THIS ORDINANCE HAS IT BEEN IN PLACE, THE OTHER I'M NOT QUITE SURE. THE ONE TO THE NORTH IS ABOUT 3700 SQUARE FEET I BELIEVE, WHICH MEANS THAT THEY COULD UNDER THIS ORDINANCE APPLY TO -- FOR A RENOVATION OF UP TO A THOUSAND SQUARE FEET OR APPLY FOR UP TO SOME TYPE OF ADDITION UP TO 20% MORE OF THEIR EXISTING AMOUNT AND THAT GIVES THEM 4500 FEET. BECAUSE I WOULD BE LIMITED UNDER THE TO 4,000 SQUARE FEET AND I THINK THAT IS UNFAIR AND THE UNFAIRNESS COMES FROM THE FACT THAT YOU'RE TARGETING ONE OF YOUR PARAMETERS IS -- USING WHAT IS EXISTING THERE ON THE PROPERTY TO SET SOME KIND OF LIMIT. AND I THINK THAT THAT BRINGS UP AN ESSENTIAL UNFAIRNESS BECAUSE IT'S YOU'VE TURNED IT INTO A GAME OF MUSICAL CHAIRS AND THAT STOPPED LAST THURSDAY. IF YOU DIDN'T ALL RIGHT HAVE SOMETHING BUILT YOU'RE LIMITED TO AN EXTENT THAT YOUR NEIGHBOR IS NOT LIMITED FIREFIGHT DOESN'T DO ANYTHING -- IS NOT LIMITED. IT DOESN'T DO ANYTHING TO -- THAT'S ME.

PLEASE CONCLUDE.

WELL THAT'S WHAT I'VE GOT, MY TWO PROBLEMS.

WELCOME, PHYLLIS, YOU HAVE THREE MINUTES.

I LIVE IN ALLANDALE AND HAVE FOR ALMOST 50 YEARS. WE HAVE HAD ALL -- A LOT OF DRAINAGE PROBLEMS. WE HAD ALL OF THE MITIGATION OF FLOODING AND LOST ABOUT EIGHT HOUSES, ALSO, SO WE'VE HAD A LOT OF DIFFERENT

PROBLEMS BUT IT'S JUST REALLY, REALLY ENCOURAGING TO SEE WHAT YOU'LL ARE TRYING TO DO. I DON'T THINK ANYTHING LIKE THIS HAS QUITE EVER BEEN DONE AND I JUST WANTED TO TELL YOU MOWCH I APPRECIATE -- HOW MUCH EYE APPRECIATE THIS. I HOPE THAT THE PLANNING COMMISSION RECOMMENDATIONS YOU CONSIDER DO SOMETHING ABOUT THE DUPLEXES, AND HAVE THE INTERIM ORDINANCE. THERE MAY BE SOME TWEAKING THAT NEEDS BE DONE, BUT BASICALLY I'M REALLY HAPPY AT WHAT YOU'RE DOING. THANK YOU.

THANK YOU, MS. BRINDLEY. (APPLAUSE).

MAYOR WYNN AND CITY COUNCILS, MY NAME IS MATT AND I'M AN EIGHT-YEAR AUSTINITE AND AN 11-YEAR ARMY OFFICER AND AN ENLISTED PERSON FROM FORT HOOD WHO MOVED TO AUSTIN TO PURSUE THE AMERICAN DREAM OF OWNING MY OWN BUSINESS. I'M HERE TONIGHT SPEAK ABOUT THE RIGHTS OF THE PEOPLE. I'M REALLY UPSET ABOUT THE PROCESS THAT WAS DONE HERE. THERE WAS A COUPLE OF ISSUES BROUGHT UP BEFORE US AND THE PROCESS WAS DONE CORRECTLY BECAUSE THEY ACTUALLY HAD STUDIES AND INFORMATION AND TASK FORCE PUT INTO IT PRIOR TO SOME TYPE OF ACTION BEING TAKEN. WHEREAS THIS WAS A LITTLE BACKWARDS IN MY PERSONAL OPINION WHEN THE MORATORIUM WAS ISSUED WITHOUT DUE PROCESS OF HEARING FROM THE PEOPLE. THE QUESTION I HAVE IS: WHAT CONSTITUTED THIS EMERGENCY? I KNOW THE FLOODING IS AN ISSUE BUT WHY WAS IT AN ISSUE BROUGHT UP WITH HARDLY ZERO NOTICE AT ALL? WHAT CHECKS AND BALANCES WERE USED AGAINST THE COUNCIL OR WHOMEVER WAS RESPONSIBLE FOR MAKING THIS DECISION? EVERY CITIZEN FOR AND AGAINST THIS PARTICULAR MORATORIUM WILL BE EFFECTED. THE LOSS OF AN INDIVIDUAL'S CHOICE IS REALLY WHAT IS AT STAKE HERE. WHAT WILL BE NEXT? YOU CAN'T HAVE DOGS? YOU CAN HAVE DOG, YOU CAN'T HAVE A CAR IN TARRYTOWN AND YOU HAVE GOVERNMENT TRANSPORTATION, THAT IS YOUR MODE. WHAT CHOICES ARE GOING TO BE TAKEN NEXT? WHEN DID BY THE PEOPLE, FOR THE PEOPLE GET LEFT OUT OF THIS PROCESS? WHEN SO MANY PEOPLE WERE AGAINST IT, THE VOICE WAS NOT HEARD. WHY CAN'T THE PEOPLE OF THE RESPECKIVE H.O.A.'S AND NEIGHBORHOOD PLANS

GOVERN THEMSELVES? THE PEOPLE SPEAK.

THE GOVERNMENT -- THE PEOPLE SPEAK BETTER THAN THE GOVERNMENT CAN. IN THE PAST WEEK TWO SEPARATE CITY OFFICIALS HAVE MADE STATEMENTS ABOUT THE HEARINGS ABOUT THE HOMES IN WHICH ONLY ONE RESIDENT LIVES. I UNDERSTAND THAT THE CITIZENS HERE IN FAVOR ARE PROBABLY PLEASED THAT THE ORDINANCE WILL PROBABLY PASS, OVER I WANT TO POINT OUT SOMETHING I FEEL IS OF GREAT CONCERN. THE FAIR HOUSING ACT OF 1968, SECTION 804 OF THIS CODE OF -- DESCRIPTION AND SALE OF RENTAL HOUSING OR PROHIBITED PRACTICES. IT SHALL BE UNLAWFUL TO MAKE, PRINT OR PUBLISH ANY NOTICE STATEMENT, ADVERTISEMENT -- (BEEPING).

PLEASE CONCLUDE.

YES, SIR, AND I WANT TO BORROW TIME FROM CHRISTINE WOOD, SHE IS SIGNED ON.

CHRISTINE, ARE YOU SIGNED UP? DID YOU SPEAK LAST THURSDAY? OKAY, FAIR ENOUGH, THREE MORE MINUTES.

PUBLISHED ANY NOTICE, STATEMENT ORTIZ -- OR ADVERTISEMENT FOR DESCRIPTION BASED ON RACE, OR FAMILIAL STATUS -- AND THE CODE DEFINED FAMILIARAL STATUS AS AN INDIVIDUAL. AND I SUBMIT TO THE COUNCIL THIS PARTICULAR SLIDE AND MAYOR WYNN THIS IS MY QUIP OF HUMOR HERE. I KNOW YOU'RE A GOOD SPEAKER, SO YOU'VE SAID SOME GOOD COMMENTS TONIGHT AND I PRESENT MY COMMENT TONIGHT. THIS IS CALLED THE McCRACKEN CURVE. AND IF YOU LOOK ON THE LEFT -- (LAUGHTER).

ONE PERSON HAS TO MOVE OUT BECAUSE IT WOULD BE BAD IF SOMEONE LIVED IN A 4,000 SQUARE FOOT BY THEMSELVES, THAT WOULD JUST BE HORRIBLE AND THEN IF YOU HAVE TOO MANY PEOPLE, YOU HAVE TO MOVE OUT. IF YOU FIT IN THE MEAN, YOU'RE OKAY. (LAUGHTER AND APPLAUSE). BUT I DO SUBMIT TO THE COUNCIL --

CAREFUL, I HEAR A CODE COMING.

THAT THE CONTINUED STATEMENTS REGARDING A SOLE INDIVIDUAL LIVING IN A RESIDENCE WERE NOT ONLY UNFAIR BUT WOULD BE ILLEGAL IF I SAID THOSE THINGS AS A BUSINESS OWNER. AND WHAT HAPPENS THE NEXT TIME YOU DISAGREE WITH COUNCIL? WHAT IF NOBODY GETS NOTICE OF ANYTHING AND WHAT HAPPENS IF IT GOES AGAINST YOUR FAMILY NEEDS NEXT TIME? HOW WILL YOU FEEL? I AM GOING TO TERM THESE THE MCCRACK HOUSES BECAUSE IT'S GOING TO BE REFLECTING OF WHAT THEY CALL VERY LITTLE PERSONAL FREEDOM AND CHOICE. IF WE LISTEN TO THE VOICES OF EVERYBODY TONIGHT FOR AND AGAINST THIS MORATORIUM YOU HAVE TO APPLAUD THE PASSION ON BOTH SIDES. BUT WHY COULDN'T THE PEOPLE GOVERN THIS BEFORE WE GOT THIS FAR? THAT IS MY ARGUMENT TONIGHT. AS AN AUSTINITE I'M IN FAVOR OF NICE, PLEASING NEIGHBORHOODS, BUT WE CAN AND SHOULD GOVERN OURSELVES WITHOUT A MORATORIUM. THANK YOU. (APPLAUSE).

THANK YOU, SIR. AND THANK YOU FOR QUOWR YOUR SERVICE IN THE ARMED FORCES. FOLKS, STEP UP.

MAYOR WYNN AND MEMBERS OF COUNCIL, FIRST OF ALL I WOULD LIKE TO THANK EVERYONE WHO IDENTIFIES HUMOR BEFOREHAND. (LAUGHTER) SO I CAN -- MY NAME IS DANA LOCKLER, I LIVE IN SOUTH AUSTIN, I DON'T CONTROL THE LEGISLATURE, I'M NOT COOL AND I DON'T SUBSCRIBE TO DISCORD IN THE NAME OF CREATIVITY. AT ANY RATE I'M HEAR TO PRAISE YOU AND NOT BURY YOU. WHENEVER CITY GOVERNMENT GETS SOMETHING RIGHT, HOWEVER SO SLIGHTLY I FEEL COMPELLED TO COME DOWN AND CONGRATULATE YOU FOR IT. AND THE FACT -- (LAUGHTER) -- I'VE BEEN HERE ONCE SHOULD NOT BE TAKEN AS CRITICISM OF YOUR FORMER ACTIONS. I'VE LIVED IN AUSTIN FOR A LONG TIME. I LIVED IN CREST VIEW FOR QUITE A WHILE, I LIVED THERE 23 YEARS. I NOW LIVE IN SOWS AUSTIN, THE LAST BAS I DON'T KNOW -- BASTION OF AUSTINNESS, ALTHOUGH IT'S NOT IMMUNE FROM INCURSION BY ARCHITECTURAL FOREIGN BODIES. YOU'RE ABOUT TO TAKE A FIRST STEP TO PUT A HALT TO SOME OF ANOTHER BIEWSES I'VE SEEN. IN ALL OF THE TIME I'VE LIVED HERE I'VE NEVER BEEN SO FRIGHTENED FOR MY CITY, IT'S GETTING INSANE, SORRY, IT'S UNREAL, IT'S A FEEDING FRENZY, ALL

OF THE CLICHES COMBINED. YOU'RE ABOUT TO TAKE A STEP TO PUT A HALT TO IT BRIEFLY AND THEN I HOPE PERMANENTLY. AND I THANK YOU FOR THAT, I PRAISE YOU FOR THAT, AND I CAUTION YOU THERE ARE TWO WAYS THAT YOU CAN GO ON THIS. YOU CAN BACK OFF AFTER THIS MORATORIUM AND HOPE THAT THE ISSUES DIES DONE, BUT BELIEVE ME, IT WON'T. OR YOU CAN FOLLOW THROUGH WITH A GOOD, PERMANENT ORDINANCE WITH SOME DEPTH. I ASK YOU TO DO THE LATTER. I GUESS THAT'S ABOUT ALL I HAVE TO SAY, OH, IN CASE YOU HAVEN'T GOTTEN THE MEMO, THE LEGISLATURE IS GOING TO BE BASHING US FOR THE NEXT 2,000 YEARS SO YOU MAY AS WELL GET SOMETHING GOOD DONE WHILE THEY ARE DOING IT. THANK YOU. (APPLAUSE).

STEP UP AND STATE YOUR NAME FOR THE RECORD.

I'M JIMMY HOLLAND, 1413 PRESTON AND THAT IS A HARD ACT TO FOLLOW, ISN'T IT? I'M ONE OF THOSE GUYS THAT IS PROBABLY GOING TO NOT NECESSARILY BENEFIT FROM THE ORDINANCE. I OWN A LITTLE HOUSE ON A REALLY EXPENSIVE LOT ON PRESTON AVENUE, AND THE ORDINANCE, THE WAY IT'S WRITTEN IN MY CASE WOULD NOT BE -- IT WOULD TAKE VALUE AWAY FROM MY PROPERTY. SO I THINK THAT IT'S REALLY GOOD TO KEEP THAT WAIVER PROCESS IN THE DISCUSSIONS IF YOU COULD DO THAT. THERE ARE PROBABLY OTHER PEOPLE LIKE ME THAT HAVE JUST UNIQUE SITUATIONS BECAUSE I'M THE ONLY LITTLE HOUSE LEFT KIND OF SITUATION. I ALSO AM AN ARCHITECT AND WE DID A HOUSE IN HYDE PARK LAST YEAR FOR A FAMILY OF FOUR KIDS, IT WAS A GREAT THING FOR EVERYBODY, AND WE INCLUDED A DETENTION POND. THAT HASN'T BEEN DISCUSSED THE LAST TWO NIGHTS. WE DID OUR HOUSE IN TARRYTOWN AND THEY GOT AN HISTORIC MONUMENT SIGN AND WE ARE REALLY PROUD OF THAT. WE PUT A GRAVEL DRIVE WAY UNDER A BIG TREE AND WE TOOK CARE OF THE DRAINAGE AND WE USED PRINCIPLES THAT ARE IN EFFECT RIGHT NOW THAT HAVE NOT BEEN DISCUSSED. I'VE GOT A COMMERCIAL JOB, WALLETEN'S FLOORS WE ARE DOING A RAINWATER COLLECTION SYSTEM, HARVESTING, AND YOU KNOW, IRRIGATING WITH THAT WATER. THAT HASN'T BEEN DISCUSSED. WHAT I'M AFRAID OF AS I LISTEN HERE IS THAT IF YOU REALLY THINK THE ORDINANCE THE WAY IT'S SET AND IS WRITTEN HERE THAT --

EFFECTING THE FLORIDA AREA RATIO TO HAVE ANYTHING TO DO WITH WATER WITHOUT CHANGING THE IMPERVIOUS COVER ON THE LOT SEEMS ILLOGICAL TO ME, IF YOU'RE NOT CHANGING THAT, JUST ARE FLECTING THE FLOOR AREA RATIO AND THE TOTAL VOLUME BUT NOT EFFECTING THE RUNOFF IN ANY WAY -- IF YOU'RE REALLY INTERESTED IN DEALING WITH THE WATER ISSUES WHICH I'M ASSUMING YOU ARE, IN YOUR TASK FORCE I MIGHT SUGGEST YOU ADDRESS REAL ISSUES THAT DO ADDRESS THE WATER. AND LET'S SAY I PUT SOME NOTES HERE. AH. THE OTHER THING I'VE HEARD SEVERAL PEOPLE TALK ABOUT THE ISSUE OF NOT LIKING THE DESIGNS OF THE HOMES IN THE NEIGHBORHOOD. AS FAR AS I CAN SEE, THE ORDINANCE HAS NO -- HAS NOT ADDRESSED ANY KIND OF APPROVAL BY THE NEIGHBORHOOD, ANY KIND OF INCLUSION IN THE NEIGHBORHOOD ASSOCIATIONS IN THE PROCESS, AND IF YOU THINK THAT CHANGING THE FLOOR AREA RATIO IS GOING TO CHANGE THE DESIGNS OUT THERE, THAT IS PROBABLY ILLEGAL -- ILLOGICAL. AND PEOPLE DON'T WANT TO DRIVE AND THAT DEMAND IS GOING TO CONTINUE. I HOPE YOUR TASK FORCE WILL ADDRESS MORE ISSUES TO THE ORDINANCE WILL HAVE WHAT YOU REALLY WANT TO TO HAVE. THANK YOU. (APPLAUSE).

FAIR ENOUGH, THANK YOU. THAT IS THE WHOLE IDEA BEHIND THE TASK FORCE, UNLIMITED SCOPE.

MY NAME IS RAY, I'M A LOCAL CUSTOM HOME BUILDER AND REMODELER. I SIGNED UP THURSDAY AFTERNOON AND MUST HAVE GOT LOST IN THE SHUFFLE --

APPRECIATE YOUR PATIENCE AND FLEXIBILITY --

BUT IT MAY HAVE BEEN BECAUSE I DIDN'T KNOW THOUSAND -- HOW TO USE THE EXOWR -- THE COMPUTER OUT THERE. PERSONALLY I DON'T REALLY HAVE A BIG DOG IN THIS HUNT BECAUSE I DON'T DO A LOT OF BUILDING IN THE OLDER PART OF TOWN, BUT I AM A CUSTOM BUILDER AND I REPRESENTED IN THE PAST MY LOCAL ASSOCIATION AND I'M THE IMMEDIATE PAST PRESIDENT OF THE STATE ASSOCIATION, SO I DO HAVE AN OBLIGATION TO REPRESENT THE SMALL BUSINESS OWNERS THAT ARE GREATLY AFFECTED BY THIS. A LOT OF THING HAPPENS AND THAT HAVE BEEN DISCUSSED

ARE FOR PEOPLE LIKE MYSELF THAT BUILD ON OTHER PEOPLE'S PROPERTIES, THEY BUILD THAT PEOPLE WANT -- IT'S A SERVICE INDUSTRY, AND THEY ARE PURELY PROVIDING A SERVICE FOR PEOPLE THAT UTILIZE THEIR PROPERTY FOR THE -- FOR WHAT WORKS FOR THEM AND FOR THEIR FAMILY. FRANKLY I'M NOT OPTIMISTIC ABOUT THE PROCESS THAT'S GONE ON. THIS WAS DONE DEAL BEFORE IT EVEN STARTED. IT'S REALLY FRUSTRATING TO ME BECAUSE THIS PROCESS IS UNNESSLY CREATED A CONFLICT BETWEEN MY INDUSTRY AND THESE HOMEOWNERS GROUPS. IT'S FRUSTRATING TO ME BECAUSE THERE ARE SO MANY AREA OF COMMON INTEREST BETWEEN MY INDUSTRY AND THE HOMEOWNER GROUPS. I DON'T THINK ANYBODY IS IN FAVOR FOR THE SUPERFAMILY AROUND U.T. WITH THE SIX TO EIGHT COLLEGE STUDENTS AND CARS AND ALL OF THE THINGS THAT THAT DO, BUT THIS ORDINANCE DOESN'T ADDRESS THAT FIREFIGHT DOESN'T ADDRESS THE -- IT DOESN'T ADDRESS THE DRAINAGE ISSUES AND THAT WAS JUST A SMOKE SCREEN ON THOUSAND DO A MORATORIUM. I DON'T THINK THE LEGISLATURE INTENDED WHEN THEY PASSED THAT PIECE OF LEGISLATION -- I THINK IT WAS TO SAY YOU CAN DO A MORATORIUM ONLY FOR THESE THINGS AND NOT THIS IS WHAT YOU HAVE TO DECLARE TO DO A MORATORIUM, BUT IT DOESN'T FIX THOSE THINGS. IT DOESN'T FIX THE BIG BOX UGLY ARCHITECTURE. YOU CAN BUILD JUST AS BIG A FRONT, SIDE TO SIDE UGLY LOOKING STRUCTURE NO MATTER WHAT YOU USE FOR A FLOOR TO AREA RAISH -- RATIO, AND IT DOESN'T ADDRESS ENFORCEMENT. WE'VE SEEN SO MANY CODE THAT ARE NOT JUST HAPPENING. SEEMS TO ME THIS IS A COMPATIBILITY ISSUE AND IT'S NOT BEING ADDRESSED. THE CITY NEEDS ADDRESS THE REALLY ISSUED IDENTIFIES. THE PROCESS IS FLAWED AND HAS CREATED CONFLICT WHERE IT DOESN'T NEED TO HAVE BEEN CREATED. AND I THINK THE CITY NEEDS TO STAND DOWN ON THIS ORDINANCE. IT WAS POORLY CONCEIVED AND CREATED A LOT OF CONFLICT UNNECESSARILY, AND WE NEED TO STEP BACK AND DO IT RIGHT LIKE WE'VE DONE ON SO MANY OTHER OCCASIONS DEVELOPING RESTRICTIONS AND ORDINANCES AND CODES AND ISSUES WITH OUR GREAT CITY OF AUSTIN, THANK YOU. (APPLAUSE (.

MY NAME IS LAURIE MARTIN HERE ON BEHALF OF PRESERVATION TEXAS, A SPEAKER EARLIER MENTIONED OUR ORGANIZATION. AND LAST WEEK WE NAMED THE HISTORICALLY SIGNIFICANT CITIES TO OUR ENDANGERED PLACES LIST. NEIGHBORS IN AUSTIN AND OTHER CITIES IN TEXAS ARE THREATENED BY THE LOSS OF MATURE TREES AND LANDSCAPING AND INAPPROPRIATE MASS AND SCALE BUILT FOR THE NEIGHBORHOOD. WE ARE CONCERNED ABOUT DEMOLITIONS IN NEIGHBORHOODS WHETHER THEY ARE HISTORICALLY SIGNIFICANT OR ELIGIBLE FOR DESIGNATION. THE LOSS OF OLDER HOUSES HAVE LONG CONTRIBUTED TO THE LOOK AND LIVEABILITY OF THE COMMUNITY AND THE SENSE OF PLACE THAT IS ESTABLISHED AS THESE NEIGHBORHOODS MATURE. THE CHALLENGE WE FACE IS TO ALLOW BUT MANAGE NEW CONSTRUCTION SO IT MANAGES THE STRUCTURES THAT MAKE THESE NEIGHBORHOODS DESIRABLE IN THE FIRST PLACE. WE APPRECIATE THE STEP YOU'RE MAKING WITH THIS. (APPLAUSE).

LAURA, I THINK IT WOULD BE HELPFUL FOR US TO LEARN WHAT WERE THE CRITERIA AND FACTORS THAT WENT INTO PRESERVATION TEXAS' NAMING SOME OF OUR NEIGHBORHOODS AMONG THE MOST ENDANGERED IN TEXAS.

THE NOMINATION CAME FORWARD FROM A PARTY IN THE DALLAS AREA CONCERNED ABOUT NOT ONLY NEIGHBORHOODS IN DALLAS BUT ALSO ACROSS THE STATE. AS SEVERAL PEOPLE HAVE MENTIONED, IT'S A NATIONAL TREND. WE THINK IT'S IMPORTANT TO MAINTAIN AN APPROPRIATE SCALE AND MASS WITHIN THESE NEIGHBORHOODS, AND NOT TO LOOSELY LOSE THE CHARACTER OF THE NEIGHBORHOODS, SUCH AS THE CHIEF TREE -- SUCH AS MATURE TREES ETC -- WE ALL REMEMBER PLAYING UNDER GROWING UP AND KEEP THE LIVEABILITY OF THE COMMUNITY.

DID YOU EVER COME ACROSS SPECIFIC DATA THAT FORMED THE BASIS OF THE NAMING OF THESE NEIGHBORHOODS OR NOMINATION FORMS THAT LAID OUT SOME OF THE FACTORS GOING ON? WE HEARD TONIGHT ABOUT 50 HOMES IN TARRYTOWN BEING DEMOLISHED IN THE PAST 15 MONTHS,

DID YOU HAVE DATA THAT FORMED THE BASIS OF THAT --

WE HAD DATA WITH THE NOMINATION FROM THAT SPECIFIC AREA AND WE ARE COMPILING THE DATA NOW, ALSO, THE NATIONAL TRUST IS WORKING ON A NATIONAL TY LOOK AT DATA AND IT'S COMPILING DATA IT'S GOING TO PUT ON ITS WEBSITE WITHIN THE NEXT FEW MONTHS.

I THINK IT WOULD BE HELPFUL FOR THE TASK FORCE AND THE STAKEHOLDERS GROUP IF YOU COULD FORWARD TO US THE NOMINATION PACKET TO GET A SENSE OF THE ISSUES THAT WE ARE WORKING -- I THINK THERE IS A LOT OF CONSENSUS AND SUPPORT IN THE COMMUNITY NO MATTER THE SIDE YOU'RE ON.

WE WOULD BE GLAD TO, THANK YOU.

I WANT TO ENTER TAKE A MOTION TO GO PAST 10:00 P.M.
MOTION MADE, PASSES ON A VOTE OF 7-0. [ONE MOMENT, PLEASE, FOR A CHANGE IN CAPTIONERS]

(music)(music) LACKS A LITTLE SOUL. WHAT I THINK THE SPACE IS DISTANCE TO MY EYES, WHAT YOU SEE AS BEAUTIFUL IS UGLY IN DISEASE. DISGUISE. BUT IT'S BIG HOUSE, IT'S A MIGHTY BIG HOUSE. [INAUDIBLE - NO MIC]

IT'S A BIG HOUSE, IT'S A MITT TEE MIGHTY BIG HOUSE. YOUR FRONT DOOR MUST BE 10 FEET TALL, [INDISCERNIBLE] WHAT YOU ARE DOING IN ALL THOSE ROOMS, AND WHAT YOU DID WITH ALL THEM TREES. TO ME IT'S NEARLY AS COLD AS THE BEER AT THE KIRK KEL CAN K AND THE REFRIGERATOR IS BIGGER THAN THE PLACE THAT BILL OLIVER STAYED. [LAUGHTER] BECAUSE IT'S A BIG HOUSE, IT'S A MIGHTY BIG HOUSE (music)(music) YOU COULD SLEEP, ON THE FURNITURE IN THE DEN. BECAUSE IT'S A BIG HOUSE, IT'S A MIGHTY BIG HOUSE,.

YOU GOT MORE BATHROOMS THAN A MOTEL SIX, OOH, THE SIZE OF THAT TUB! YOU COULD PARK AN 18 WHEELER WHEN YOU AND YOUR HUB. IT'S NOT TOO LONG ON COZY, I CAN'T COP A REAL GOOD FEEL, BUT IT'S DONE SQUARE FOOTAGE MIGHTY PROUD, AND IT'S THE KING OF THE [INDISCERNIBLE]. (music)(music) CLAIM OR SPACE, HUMANS IN CONDITION, LAID

TO WASTE MOTHER EARTH'S GOOD TASTE WHEN WE SHOULD HAVE JUST GONE FISHING. BUT YOU CAN'T SEE YOUR BIG HOUSE FROM MY HOUSE, SO WHY DO I CARE? I GUESS SOMETIMES IT'S ON MY MIND YOU MIGHT GET LOST IN THERE. (music)(music) BECAUSE IT'S A BIG, IT'S A MIGHTY BIG HOUSE, YOU HAVE. YOU CAN SLEEP A FAMILY OF 22, BETWEEN HIM AND YOU. (music)(music) OH, IT'S A BIG HOUSE, IT'S A MIGHTY BIG HOUSE, YOU CAN SLEEP A VILLAGE OF 104 RIGHT THERE ON THE BEDROOM FLOOR. (music)(music) YES IT'S A BIG HOUSE, IT'S A MIGHTY BIG HOUSE TO HAVE. YOU CAN SLEEP A NATION OF REFUGEES IF YOU KINDLY LEAVE THE KEY. (music)(music) PLEASE. (music)(music) [APPLAUSE]

Mayor Wynn: ACTUALLY THAT WAS A PLANT TRUSTING THAT NOBODY WILL EVER WANT TO FOLLOW THAT. [LAUGHTER] WELCOME TO THE LIVE MUSIC CAPITAL OF THE WORLD, THANK YOU VERY MUCH. SO ... ANYBODY ELSE LIKE TO ADDRESS US AT THIS PUBLIC HEARING? STEP UP, MA'AM.

[INDISCERNIBLE] [INAUDIBLE - NO MIC]

Mayor Wynn: WELL, OUR RULES ARE WE TRY TO BE RESPECTFUL. SO MANY PEOPLE SPOKE LAST THURSDAY, IN FACT I REMEMBER YOUR TESTIMONY QUITE WELL. SO -- SO COUNCIL, JUST FOR THE RECORD, I'M NOT SURE, BUT THIS INCLUDES THE FOLKS THAT SPOKE LAST THURSDAY, CERTAINLY DOESN'T INCLUDE THE FOLKS THAT SPOKE AT THE PLANNING COMMISSION, TONIGHT WE'VE HAD 362 PEOPLE COME AND SIGN UP. 166 CITIZENS IN OPPOSITION, 188 IN FAVOR. AND 8 PEOPLE FROM SWITZERLAND. [LAUGHTER] UNLESS -- I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? ALL IN FAVOR?

AYE.

Wynn: OPPOSED? MOTION TO CLOSE PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SINCERELY, THANK YOU ALL FOR THE PATIENCE THAT YOU ALL SHOWED AS WE SORT OF STRUGGLED THROUGH THE SIGN UP LAST THURSDAY, SENT MANY PEOPLE TO THE PLANNING COMMISSION ON

TUESDAY, WELCOMED BACK SO MANY FOLKS HERE TONIGHT. COUNCIL, COMMENTS, QUESTIONS? WE HAVE STAFF HERE. I'M TOLD STAFF REMAINS AVAILABLE FOR FOLKS WHO MIGHT HAVE ANY SPECIFIC QUESTIONS ABOUT THE -- ABOUT ANY IDEA, A PROJECT THAT WE MAY OR MAY NOT HAVE IN THE FUTURE. ANY TIME SOON. THE WEBSITE REMAINS UP WITH ITS POPULAR FAR CALCULATOR. COMMENTS, QUESTIONS, STAFF OF COURSE IS HERE TO HELP US. COUNCILMEMBER MCCRACKEN.

FIRST I KNOW A LOT OF STAKEHOLDER ORGANIZATIONS HAVE SUBMITTED THEIR NOMINEES FOR THE TASK FORCE. I GUESS AT THIS POINT THE THREE OF US ARE THE SPONSORS, IN CONJUNCTION WITH ALL OF THE STAKEHOLDER GROUPS AND OUR COLLEAGUES ON COUNCIL AND THE STAFF HAVE THE LIST OF THE -- OF THE PROPOSED TASK FORCE MEMBERS THAT PERHAPS SOMEONE COULD READ THAT, LAY OUT THE PROCESS GOING FORTH, THE IDEA THERE. OF THE -- OF THE RECOMMENDED TASK FORCE MEMBERS ARE DAVID R. SCOTT, TERRY MITCHELL, [INDISCERNIBLE] FLORES, DENNIS MECHANIC DANIEL, CLINT SMALL, DOLORES DAVIS, MICHAEL CASIAS, SILVER GARZA, CHRIS ALLEN, DON NET SCHEMETTE, NOAH, MARY KENNEDY, MARY GAY MAXIMUM MAXWELL, KAREN McGRAW, LAURA MORRISON AND MICHAEL CANITI. THE PROPOSAL -- THE SECOND PART IS THERE WILL BE IN ADDITION A STAKEHOLDER PROCESS THAT WILL -- BY THE WAY THE TASK FORCE MEETING, WHICH WILL HAPPEN TOMORROW AT 1:00 WILL START HERE BUT LIKELY WE WOULD MOVE ACROSS THE HALL, THE BOARDS AND COMMISSIONS ROOM. BUT WE -- ANYBODY IS WELCOME TO COME. THE -- WE WILL HAVE STAKEHOLDER MEETINGS TO TAKE INPUT WHERE THE TASK FORCE MEMBERS WILL TAKE INPUT AND YOU WILL PROBABLY SEE SEVERAL OF US COUNCILMEMBERS AT EACH OF THESE MEETINGS AS WELL. THE -- THE -- WHAT WE HAVE WORKED OUT IN DISCUSSIONS, A LOT OF THE STAKEHOLDERS, IS -- IS THIS WE HAVE A SEPARATE ZONING ITEM THAT IS THE -- THE SAME AS WHAT IS -- WHAT IS -- IN OTHER WORDS IT IS A ZONING ENACTMENT OF THE INTERIM STANDARDS, THERE WILL BE AN INTERIM ZONING ENACTMENT, REPLACED BY PERMANENT ZONING STANDARD. BUT THAT'S COMING THROUGH, THAT'S

SCHEDULED TO BE HEARD BY THE COUNCIL ON MARCH 2nd. WORKING WITH STAKEHOLDERS, WHAT WE HAVE IS AN INTEREST IN, I THINK IT'S A GOOD ONE, OF HAVING THE TASK FORCE SHOOT FOR A CONSENSUS INTERIM STANDARDS APPROACH. THAT WE COULD BRING FORWARD ON MARCH 9th THAT -- THAT SHOULD BE THE WILL OF THE TASK FORCE AND THEIR CONSENSUS COULD EITHER -- THAT COULD BE THE SAME AS WHAT WE HAVE HERE OR IT COULD BE MODIFIED OR DIFFERENT. BUT THAT WOULD THEN -- THAT WOULD THEN REPLACE WHETHER THE EXISTING INTERIM STANDARDS POTENTIALLY, IF THAT IS THE WILL OF THE TASK FORCE, I'M PICKING UP THAT ALL AROUND THAT IS THE INTEREST. SO WE ARE ALL OF US COMMITTED, WE RECOGNIZE IT'S AN EXTREMELY IMPORTANT ISSUE TO EVERYBODY AFFECTED, EVERYBODY INVOLVED AND WE KNOW THERE'S A LOT OF GOOD COMMUNITY MINDED FOLKS WHO ARE GOING TO GIVE A LOT OF TIME ON THIS. AIMING TO MEET ONCE A WEEK ON FRIDAY DURING THAT LATE LUNCH HOUR, STARTING TOMORROW AT 1:00. SO -- SO THANK YOU ALL FOR GIVING YOUR TIME ON THIS, FOR YOUR COMMITMENT. ALL THE WAY AROUND. EVERYBODY INVOLVED FOR OUR COMMUNITY.

Mayor Wynn: COUNCILMEMBERS FURTHER COMMENTS, QUESTIONS OF STAFF, COUNCILMEMBER KIM?

Kim: I HAVE A FEW ITEMS THAT I HAVE PICKED UP IN LISTENING TO EVERYONE. THAT I WOULD LIKE FOR THE TASK FORCE TO CONSIDER. I'M SURE THEY ARE ITEMS THEY HAVE ALREADY STARTED DISCUSSING, AT LEAST WITH US, TO GET A REAL COMPREHENSIVE PICTURE, ON THIS, I HAVE A SLIDE. AS WE KNOW THERE ARE A LOT OF ISSUES, I KNOW THEY HAVE A LIMITED AMOUNT OF TIME, SOMETHING HELPFUL TO ME AND THE REST OF THE COUNCIL IS IN THEIR RECOMMENDATION CONSIDER THESE THINGS AND ADDRESS THEM HOW IT IMPACTS ALL OF THEM. SOME OF THEM ARE INTERRELATED, SOME OF THEM ARE COMPETING INTERESTS. BUT I THINK THAT'S WHY IT IS SO IMPORTANT THAT THEY BE ADDRESSED. OF COURSE DESIGN AND COMPATIBILITY STANDARDS, DECENTS, SETBACKS, ARCHITECTURE, IMPERVIOUS COVER. AND THEN OTHER THINGS THAT HAVE BEEN BROUGHT UP, WE HEARD, CHARACTER OF THE NEIGHBORHOOD, STYLE, GARAGE

APARTMENTS, SHADE, SECOND DWELLINGS, NEIGHBORHOOD PLANS, SCHOOLS, AND THAT INCLUDES FAMILIES WITH CHILDREN, DRAINAGE, PARKING, TRAFFIC, EQUITY, AND INCOME INVESTMENT. AS THE PROPERTY IS SOMETIMES CONSIDERED THEIR NEST EGG OR A SECOND INCOME FOR PEOPLE. SO I REALLY WANT TO THANK THE PEOPLE WHO ARE VOLUNTEERING TO BE A PART OF THIS TASK FORCE, THERE'S A LOT OF WORK AHEAD OF THEM, I KNOW THAT THEY CAN DO A GOOD JOB FOR US. I LOOK FORWARD TO THEIR FEEDBACK. ALSO I WANT TO THANK THE MEMBERS FOR THEIR WORK ON THIS AS WELL AND IN PUTTING THIS TOGETHER, I LOOK FORWARD TO -- TO SEEING WHAT COMES OUT OF THIS. I THINK IT'S GOING TO BE A REALLY GOOD PROCESS. THANK YOU.

ANYBODY ELSE?

Thomas: WELL, I GUESS I HAD MY -- I DO APPRECIATE THE -- THE CITIZENS INPUT AND THE STAKEHOLDER AND THE TASK FORCE THAT IS GOING -- PUTTING A LOT OF ENERGY IN. I THINK THE -- I THANK THE COUNCILMEMBERS THAT'S SPONSORS FOR THIS. IT'S SOMETHING THAT HAS BEEN -- I THINK THE FIRST CRY WAS LAST YEAR WHEN TRAVIS HEIGHTS MADE IT VERY CLEAR THAT SOME OF THE HOUSES IN THE NEIGHBORHOOD IS NOT COMPATIBLE TO WHAT'S GOING ON IN THE NEIGHBORHOOD. I RESPECT BOTH SIDES. I HAVE HEARD A LOT OF TESTIMONY TODAY AND I WASN'T HERE THE WHOLE -- THE WHOLE TESTIMONY LAST THURSDAY, BUT I DID AT HOME WAS ABLE TO LISTEN TO SOME OF IT. BUT I THINK THE WHOLE BIG PICTURE IS THAT I DON'T THINK ANYBODY ON THIS COUNCIL IS TRYING TO HURT ANYBODY'S BUSINESS AS FAR AS HOME BUILDERS BUT WE HAVE TO LOOK AT SOME OF THE SITUATIONS THAT ARE GOING ON IN THE CITY. SOME OF YOU HAVE BEEN HERE LESS THAN A YEAR OR A YEAR PLUS, PROBABLY DOING AN EXCELLENT JOB. BUT IT HAS AFFECTED A LOT OF AREAS IN THE CITY. I THINK THE PASTOR MADE IT VERY CLEAR, SOME OF THOSE HOUSES BUILT IN EAST AUSTIN, IN OTHER PARTS OF THE CITY IS NOT COMPATIBLE. IT HAS AFFECTED PEOPLE'S TAXES. AND IT HAS AFFECTED PEOPLE'S TAXES IN CERTAIN AREAS THAT HAS MOVED THEM OUT OF THOSE PARTICULAR AREAS. AND I UNDERSTAND WHAT THE GENTLEMAN WAS SAYING EARLIER, BUT WE HAVE TO LOOK

AT OVERALL HOW IT AFFECTS EVERYBODY. AUSTIN IS KNOWN TO BE A WONDERFUL CITY FOR EVERYBODY. TO BE ABLE TO LIVE AND BUILD COMFORTABLE -- BE COMFORTABLE IN THEIR OWN HOMES. YOU HAVE A LOT OF PEOPLE IN CERTAIN AREA THAT HAVE INVESTED IN THEIR HOMES FOR YEARS AND THEN WE HAVE PEOPLE THAT COME IN AND MAKE -- BUILD HOMES THAT AFFECT THE NEIGHBORHOOD. SO I THINK ON THE MORATORIUM AND THE TIME THAT WE SIT DOWN, I THINK WHEN THE -- WITH THE TASK FORCE GET TO WORKING WITH THE STAKEHOLDERS AND THE PEOPLE THAT ARE REPRESENTED IN THE NEIGHBORHOOD, WE OUGHT TO COME TO SOME SORT OF COMPROMISE THAT WOULD BE BENEFICIAL TO EVERYBODY. I APPRECIATE YOU ALL COMING OUT. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU MAYOR PRO TEM. COUNCILMEMBER ALVAREZ?

Alvarez: I HAD A QUESTION ABOUT -- FOR STAFF, AN E-MAIL WAS ABOUT A FAMILY WHOSE HOUSE BURNED DOWN ABOUT A MONTH AGO, THEY WERE TRYING TO FIGURE OUT WHAT WOULD -- WHAT CATEGORY WOULD THEY FALL UNDER IN THIS INTERIM ORDINANCE. WOULD IT BE I GUESS A REMODEL IF THEY TRIED TO REBUILD THEIR HOUSE OR WOULD IT BE IF THEY DECIDED TO DEMOLISH -- THE BURN STRUCTURE WOULD THEY BE LIMITED TO THE SQUARE FOOTAGE UNDER THE DEMO AND REBUILD THE SECTION OR HOW WOULD THAT WORK? IS IT KIND OF -- ONE OF THOSE UNIQUE CIRCUMSTANCES THAT MIGHT MAYBE QUALIFY FOR A WAIVER, I DON'T KNOW.

LUCY GALLAHN, IT CERTAINLY DOES SOUND LIKE A UNIQUE SITUATION. WE WOULD TREAT IT AS A NEW CONSTRUCTION IF THE HOUSE WAS COMPLETELY DESTROYED BY FIRE OR ANY OTHER ELEMENT AND THEY HAD TO START ANEW SO THEY WOULD FALL UNDER THE MORATORIUM REQUIREMENTS. THE INTERIM REGULATION REQUIREMENTS. BUT CERTAINLY SOUNDS LIKE IT WOULD BE CONSIDERED FOR A WAIVER.

OF COURSE, I HAVE CURIOUS BECAUSE READING THROUGH THE E-MAILS TRYING TO -- TRYING TO KIND OF PICK OUT THE

-- THE INSTANCES THAT -- THAT MAY NOT NEATLY FALL INTO ONE OF THESE CATEGORIES. THANK YOU. THANK YOU, MAYOR.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? MS. TERRY?

YES, MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY, AS THE STAFF WAS WORKING IN THE MEDIA ROOM, WORKING THROUGH SOME OF THE SCENARIOS THAT WERE PRESENTED TO THEM. ONE OF THE ISSUES THAT CAME UP WAS IF YOU ALL DECIDE TO ADD DUPLEX TO THIS ORDINANCE YOU WILL RECALL THAT THE PRESENT -- THE ORDINANCE THAT YOU ALL ADOPTED ON FIRST READING PROVIDES THAT AN APPLICATION FOR A BUILDING PERMIT, ET CETERA, IS PROTECTED IF IT WAS FILED BEFORE FEBRUARY THE 10th. WELL, IF YOU WILL RECALL, WE DIDN'T HAVE DUPLEXES IN THE ORDINANCE AT THAT TIME. AND SO UNLESS WE DO SOMETHING TO ADDRESS THAT SITUATION IN YOUR ORDINANCE, THAT IF YOU -- IF YOU CHOOSE TO PASS IT TODAY, THE PERMITS THAT HAVE BEEN ISSUED IN THE LAST WEEK FOR DUPLEXES WOULD COME INTO QUESTION. SO WE'VE GOT SOME ADDITIONAL LANGUAGE THAT WE BELIEVE SOLVES THAT PROBLEM. AND I WOULD LIKE TO READ IT INTO THE RECORD FOR YOU. WHAT YOU WOULD DO TO SOLVE THE ISSUE OF MAKING SURE THAT THE PERMITS HAVE BEEN ISSUED FOR DUPLEXES UP UNTIL TODAY ARE LEGITIMATE AND STAY VALID, IN PART 5 UNDER THE NON-APPLICABILITY IT READS THE PROHIBITIONS ESTABLISHED IN THIS ORDINANCE DO NOT APPLY TO THE FOLLOWING AND WHAT YOU WOULD DO TO SECTION 2 OF THAT PROVISION IS YOU WOULD -- YOU WOULD ADD SOME ADDITIONAL LANGUAGE AND LET ME READ IT TO YOU. AN APPLICATION FOR A BUILDING PERMIT, DEMOLITION PERMIT, RELOCATION PERMIT OR REMODEL PERMIT FOR A SINGLE FAMILY RESIDENTIAL STRUCTURE, THAT WAS FILED BEFORE FEBRUARY 10th, 2006. WHAT THAT DOES IS IT ALLOWS THE DUPLEX PERMITS THAT WERE ISSUED UP TO TODAY TO REMAIN VALID AND ONLY ADDRESSES THE SINGLE FAMILY. SO IF IT IS YOUR WILL TO ADOPT THIS ORDINANCE TONIGHT, IF IT IS YOUR WILL TO ADOPT THE DUPLEX PROVISIONS, AS LAID OUT IN THE REVISIONS, WE RECOMMEND THIS

ADDITIONAL LANGUAGE IN THIS PART.

Mayor Wynn: THANK YOU, MS. TERRY, ACTUALLY, MR. GUERNSEY IF YOU COULD HELP ME. IN AS BRIEF OF A FORMAT AS POSSIBLE, REMIND ME OF THE -- OF THE PRETTY SIGNIFICANT WORK THAT WE AS A COUNCIL HAVE ACCOMPLISHED OVER THE LAST 20 MONTHS OR SO, REGARDING DUPLEXES. I KNOW THAT WE ESSENTIALLY BETWEEN SUPER TWOS AND JUST THE WHOLE DUPLEX PRODUCT, WE HAVE SIGNIFICANTLY REWRITTEN THAT PART OF OUR CODE. CAN YOU JUST HELP ME REMEMBER THAT WORK?

CERTAINLY. WE'VE HAD TWO GROUPINGS OF ORDINANCES THAT HAVE OCCURRED THROUGH TIME. ONE DEALING WITH DUPLEXES AND THE -- THE CURRENT REQUIREMENTS FOR DUPLEX LIMIT THEIR SIZE RIGHT NOW TO TWO STORIES OR 30 FEET IN HEIGHT. THERE WAS A CONCERN THAT WAS BROUGHT TO COUNCIL THAT YOU HAD THESE LARGE DUPLEXES THAT WERE THREE STORIES TALL, HAD PARKING TYPICALLY ON THE FIRST FLOOR, TWO LEVELS OF LIVING AREA ABOVE THAT. THAT WAS TAKEN CARE OF BY LIMITING THEM TO TWO STORIES, 30 FEET IN HEIGHT. FOR THOSE LOTS THAT ARE UNDER 10,000 SQUARE FEET, THERE WAS A SIZE LIMITATION THAT WAS PLACED ON DUPLEXES. THAT SIZE LIMITATION LIMITS THEM TO -- LIMITS THEM TO ALLOW ON DUPLEX UP TO 4,000 SQUARE FEET. YOU COULD HAVE 2,000 ON EACH SIDE, FOR INSTANCE. IF THE LOT WAS OVER, THIS IS IN A SINGLE FAMILY OR AN SF 3 DISTRICT, A FAMILY RESIDENCE DISTRICT. IF THE LOT WAS OVER 10,000, EQUAL TO OR OVER 10,000, WE ACTUALLY ESTABLISHED A FLOOR-TO-AREA RATIO FOR THAT OF .57. SO THERE WAS A LIMITATION FOR F.A.R. THAT A BEEN ESTABLISHED BY PRACTICE FOR DUPLEX STRUCTURE. IN ADDITION THERE WAS A CONCERN ABOUT OCCUPANCY. WE CHANGED OUR OCCUPANCY REGULATIONS AS THEY APPLY TO DUPLEX STRUCTURE. AND LIMITED IT TO 3 UNRELATED INDIVIDUALS OVER THE AGE OF 18, COULD RESIDE IN A DUPLEX DWELLING. IT USED TO BE SIX PER SIDE, NOW IT'S THREE PER SIDE. WE HAVE ALSO HAD CHANGES TO OUR TWO FAMILY RESIDENTIAL, OUR SECONDARY APARTMENT SPECIAL USE CATEGORIES. AND THESE ARE USES THAT -- THAT I GUESS I CAN EASILY DESCRIBE AS A HOUSE BEHIND A

HOUSE. YOU WOULD HAVE A LARGER PRINCIPAL STRUCTURE AND A SMALLER SECONDARY STRUCTURE BEHIND. AND WE ESTABLISHED THE HEIGHT LIMITATIONS AGAIN OF TWO STORIES OR 30 FEET. WE ESTABLISHED A MAXIMUM SIZE LIMITATION ON THAT SECONDARY OR THE SUBORDINANT STRUCTURE, THE SECOND STRUCTURE TO BE NO MORE THAN 850 SQUARE FEET IN SIZE. WENT SO FAR AS TO SAY THE SECOND FLOOR COULD NOT BE LARGER THAN 550 SQUARE FEET. WE ALSO SPOKE TO THE OCCUPANCY WITHIN THE STRUCTURES, THAT THE MAIN HOUSE TYPICALLY THE FRONT HOUSE WOULD BE LIMITED TO NO MORE THAN 4 UP RELATED INDIVIDUALS, 18 YEARS OR OLDER. AND THEN THE REAR DWELLING, THE SMALLER ONE WOULD ONLY BE ALLOWED TWO UNRELATED INDIVIDUALS. I THINK IT WAS COUNCIL'S INTENT WHEN THEY WERE DESCRIBING THOSE THAT RIGHT NOW A SINGLE FAMILY HOME IN THE CITY OF AUSTIN YOU ARE ALLOWED UP TO HAVE -- TO HAVE SIX UNRELATED INDIVIDUALS RESIDE IN THIS THE HOUSEHOLD. TO EQUATE THAT FOR A DUPLEX IT ENDED UP BY 3 FOR 3 FOR EACH SIDE, FOR THE TWO FAMILY RESIDENTIAL, SECONDARY APARTMENT SPECIAL USING 4 AND 2. THOSE OTHER USES WHERE YOU HAD TWO DWELLING UNITS ON A SINGLE LOT, WHETHER THEY WERE UNDER A SINGLE ROOF OR SEPARATED WOULD HAVE THE SAME NUMBER OF UNRELATED INDIVIDUALS AS A SINGLE FAMILY DWELLING. AT LEAST THE ALLOWANCE WOULD BE THE SAME. THAT'S KIND OF GONE ON FOR ALMOST I GUESS ABOUT A YEAR AND A HALF OR TWO YEARS WHERE WE HAVE KIND OF TWEAKED THOSE REGULATIONS. THESE KIND OF WHERE IT BRINGS US TODAY AS FAR AS DUPLEXES AND I GUESS THAT YOU COULD SAY THE GARAGE APARTMENTS OR TWO FAMILY RESIDENTIAL SECONDARY APARTMENT USES.

RIGHT. THANK YOU, COUNCILMEMBER ALVAREZ.

YOU MENTIONED THE -- THE DUPLEX SIZE BELOW 10,000 SQUARE FOOT LOT SIZE. AND THAT -- THAT YOU COULD HAVE UP TO -- UP TO 2,000 SQUARE FEET PER SIDE OR PER DWELLING UNIT. AND SO YOU SAID 10,000 SQUARE FEET AND BELOW. NOW OBVIOUSLY A 4,000 TOTAL SQUARE FOOT, YOU KNOW, ON 10,000 SQUARE FEET IS GOING TO HAVE A DIFFERENT FEEL THAN 10,000 SQUARE FEET ON A -- ON A

7,000 SQUARE FOOT LOT. SO IS THERE ANYTHING ELSE THAT -- THAT KIND OF LIMITS THE SQUARE FOOTAGE -- SETBACKS AND --

WELL, YOU HAVE THE SAME LIMITATIONS FOR SF 3 FOR A SINGLE FAMILY HOME AS YOU WOULD FOR A DUPLEX. YOU WOULD HAVE A 45% IMPERVIOUS COVER LIMITATION, A 40% BUILDING COVERAGE LIMITATION. THOSE LIMITATIONS ON -- ON THE IMPERVIOUS COVER AND BUILDING COVERAGE ARE THE SAME. THE SETBACKS WOULD BE SIMILAR AS FAR AS HOW MUCH SQUARE FOOTAGE OR -- HOW MANY LINEAR FEET THAT YOU WOULD HAVE FROM THE NEIGHBORING HOUSE, THAT SET BACK OF FIVE FEET WOULD BE THE SAME, 25 FEET IN THE FRONT, 10 FOR A REAR YARD. THEY WOULD SHARE THOSE COMMON ELEMENTS BETWEEN A SINGLE FAMILY HOME AND A DUPLEX BEING BUILT IN THE SF 3 DISTRICT THEY WOULD HAVE THOSE SAME ELEMENTS. A DUPLEX WOULD REQUIRE A MINIMUM OF 7,000 SQUARE FEET. A SINGLE FAMILY HOME WOULD ONLY NEED A MINIMUM LOT SIZE OF 5,750 SQUARE FEET.

Alvarez: IT APPEARS IF THERE'S ANY -- AN AREA WHERE -- WHERE IT MAY BE MORE ADVANTAGEOUS TO DEVELOP, YOU KNOW, IN THE DUPLEX -- A DUPLEX VERSUS A SINGLE FAMILY STRUCTURE WOULD BE BETWEEN THE 7,000 AND 10,000 SQUARE FOOT LOTS. BECAUSE I THINK THAT'S THE CONCERN, I THINK THAT'S BEEN EXPRESSED IS IF YOU DON'T INCLUDE DUPLEXES, THEN YOU KNOW WHILE THE WORK ON THE McMANSION ISSUE IS ONGOING, FOLKS ARE GOING TO DECIDE TO GO TO THE DUPLEX ROUTE, WE CERTAINLY HAVE SEEN THAT THERE'S FOLKS OUT THERE THAT WILL FIND ANY -- ANY LOOPHOLE TO -- TO -- TO TRY TO GET SOMETHING BUILT AND -- BUT I WAS WONDERING, YEAH, THERE ISN'T A FAR LIMITATION ON THE DUPLEX --

THE FAR --

THE DUPLEX REGULATIONS.

WELL, UNDER THE PROPOSED INTERIM RORNDZ, IT ORDINANCE, IT WOULD HAVE AN FAR LIMITATION, CURRENTLY THERE IS NOT WHEN YOU DROP BELOW THE 10,000 SQUARE FEET. WHEN YOU ARE OVER THE 10,000

SQUARE FEET.

I GUESS THAT'S THE OTHER ISSUE, IF YOU DO BRING IN THE DUPLEXES THEN -- HOW DO -- HOW DO THOSE DIFFERENT CATEGORIES OF DEVELOPMENT AFFECT THE DUPLEXES? YOU KNOW, THE DUPLEX PROPOSAL BECAUSE IT SAYS, YOU KNOW, THE GREATER OF X, Y, Z.

THEY WOULD BE THOSE THREE, REPLACING AND PUTTING BACK A BUILDING THAT COULD BE NO LARGER THAN 20% MORE THAN WHAT EXISTS PREVIOUSLY. THOSE SAME STANDARDS AS I UNDERSTAND IT WOULD BE APPLIED TO A DUPLEX STRUCTURE IF SOMEBODY WANTED TO BUILD A DUPLEX. IN ADDITION TO THE OTHER STANDARDS THEY MAY HAVE, PARKING REQUIREMENTS, SETBACK REQUIREMENTS, INSTEAD OF BUILDING BACK A SINGLE UNIT FOR A SINGLE FAMILY HOME BEING 2500, YOU WOULD HAVE A DUPLEX THAT COULD ONLY BE 2500 OR TAKE THE .4 FAR OR THE SAME HOUSE PLUS 20% SIZE. SO THE SAME STANDARDS WOULD APPLY TO A SINGLE FAMILY HOME THAT WOULD APPLY TO A DUPLEX UNDER THE PROPOSED ORDINANCE --

Alvarez: THAT WOULD BE REGARDLESS OF WHETHER IT'S GREATER OR LESS THAN 10,000 SQUARE FEET.

THAT'S CORRECT. UNDER THE PROPOSED ORDINANCE AS I UNDERSTAND IT.

THANKS.

COUNCILMEMBER DUNKERLY. MR. GUERNSEY, ONE OF THE PLANNING COMMISSIONERS SAID IF WE CONSIDER DUPLEXES WE MAKE IT WANT TO CONSIDER SLIGHTLY DIFFERENT FAR DIFFERENT SIZE FOR THEM. HE DIDN'T SAY WHAT. THERE WAS A DISCUSSION BY THE COMMISSION THAT TALKED ABOUT -- ABOUT HAVING A -- HAVING I GUESS YOU COULD SAY A FOOTPRINT TO FLOOR RATIO THAT YOU WOULD HAVE IS A 2.5 THAT WOULD END UP ACQUAINTING TO ALMOST A ONE TO ONE FAR IF YOU TOOK THE FLOOR AREA ON THE FIRST FLOOR, THE SECOND FLOOR AND THE -- I GUESS WHAT COULD POSSIBLY BE A THIRD FLOOR THAT YOU WOULD HAVE A 2.5 BUILDING SQUARE FOOTAGE TO FOOTPRINT RATIO. THAT'S ABOUT THE CLOSEST THAT I

COULD COME TO SAYING THEY DISCUSSED A DIFFERENT FAR. THE COMMISSIONERS I THINK WERE WELL AWARE WHEN THEY MADE THE RECOMMENDATION ON DUPLEXES THAT THE 25000 SQUARE FOOT LIMIT -- 2500 SQUARE FOOT LIMIT, ... ONLY 20% MORE THAN WHAT YOU HAD BEFORE WOULD APPLY TO A DUPLEX.

Dunkerly: I DID HAVE THE HOUSING STAFF CHECK TO SEE IF ANY OF THEIR HOMES, THEIR DUPLEXES WOULD BE IMPACTED. AT LEAST WHAT'S IN THE PIPELINE RIGHT NOW WOULD BE OKAY. I'M WONDERING IF THIS IS SOMETHING THE TASK FORCE COULD LOOK AT. SOONER RATHER THAN LATER, IF THERE IS ANY CHANGE THAT THEY WOULD RECOMMEND THAT -- THAT WOULD BE MORE REASONABLE FOR THE COUP DUPLEXES. THEY HOPEFULLY COULD DO SO BEFORE THEY DO THE ZONING CHANGES ON MARCH THE 9th.

Gurensey:: WE CAN CERTAINLY LOOK AT THAT.

McCracken: THERE ARE SEVERAL ISSUES THAT ARE DRIVING THIS. ONE OF THOSE ISSUES IS THE BULK AND MASS. THE REASON WHY I PERCENTAGE NEAL BELIEVE THAT DUPLEXES DO NEED TO BE INCLUDED IS THAT WE HAVE KIND OF DONE BACK, YOU KNOW, SEVERAL TIMES NOW GONE AND TAKEN, YOU KNOW, ONE STANDARD ON DUPLEXES, THEN MAYBE TAKEN ON SINGLE FAMILY HOMES. WE HAVE CREATED NEW PATHS OF LEAST RESISTANCE IN THE PROCESS. BUT BECAUSE BULK AND MASS AND SCALE ARE IMPORTANT ISSUES, WE BELIEVE THAT THE NEIGHBOR IS THE NEIGHBOR, YOU DON'T REALLY CARE IF YOUR NEXT DOOR STRUCTURE IS A SINGLE FAMILY HOME OR A DUPLEX. YOU CARE ABOUT THE BULK, SCALE AND MASS OF IT. I DO BELIEVE THAT IT'S REAL IMPORTANT THAT -- THAT WE -- THAT WE KIND OF LOOK PAST WHETHER IT'S A DUPLEX OR A SINGLE FAMILY HOME AND INSTEAD FOCUS ON THE FORM, THE STRUCTURE. IN THAT REGARD FOR THE NEXT THREE WEEKS, WHILE WE WORK ON THE TASK FORCE INTERIM STANDARDS FOR THREE WEEKS, I DO -- I DO THINK IT WOULD BE HELPFUL TO HAVE THE SAME RULES APPLY WHATEVER -- WHETHER IT'S A DUPLEX OR A SINGLE FAMILY HOME. JUST TO MAKE SURE THAT WE ARE BEING CONSISTENT ON THAT, TREATING EVERYTHING IN THE SAME WAY.

Mayor Wynn: THANK YOU, COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, I HAVE DONE SOME QUICK MATH HERE AND IT LOOKS TO ME LIKE THE 4,000 FEET, 4,000 SQUARE FEET FOR A DUPLEX, EQUATES TO A .57 FAR AT THE MINIMUM LOT SIZE FOR A DUPLEX. WHICH IS 7,000. IS THAT THE WAY -- I THINK THAT'S THE WAY IT WORKS OUT. SO IF YOU ARE BELOW 10,000 FEET, YOUR FAR GOES DOWN FROM 7,000 TO 10,000. THEN IT JUMPS BACK UP TO .57 AND SO IF YOU ARE 10,000 AND ONE SQUARE FEET ON THE LOT YOU COULD HAVE 5700 FEET IN YOUR DUPLEX. THAT'S KIND OF -- SO MAYBE THAT'S ONE OF THE THINGS THAT -- IT SOUNDS COMPLI COMPLICATED. I DO THINK THAT WOULD BE ONE OF THE PRIMARY OBJECTIVES FOR THE TASK FORCE TO ADDRESS TO TRY TO GET THAT STRAIGHTENED OUT. IT ALSO SEEMS TO ME THAT THE EXISTING SUPER DUPLEX ORDINANCE, THOUGH, WOULD APPLY IN THE PARTS THAT ARE LESS RESTRICTIVE OR NOT IN COMPETITION WITH THE INTERIM RULES. FOR EXAMPLE, THE OCCUPANCY. THAT WOULD STILL BE IN PLACE I ASSUME. SO I THINK WE DO NEED SOME CONSIDERATION FOR DUPLEXES, BUT I'M AFRAID IF WE RUSH INTO HERE TONIGHT WE MIGHT GET SOME KIND OF REALLY WEIRD UNINTENDED CONSEQUENCE AND SINCE WE ARE ON A FAST TRACK WITH THIS -- WITH THIS TASK FORCE AND INTEND TO -- TO ADDRESS THAT IN JUST A FEW WEEKS, I'M WAITING RIGHT -- I'M LEANING RIGHT NOW TOWARDS INCLUDING DUPLEXES IN THE INTERIM ORDINANCE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER -- FURTHER -- I -- I TEND TO AGREE. I JUST THINK THERE'S -- THAT IF THE TASK FORCE IN FACT CAN MAKE SUBSTANTIAL PROGRESS AND HAVE -- HAVE CONSENSUS ON MAJOR ELEMENTS OF THIS, LITERALLY WITHIN -- WITHIN A COUPLE OF WEEKS TIME, THEN I THINK THAT WOULD BE AN APPROPRIATE VENUE FOR THEM TO HAVE THAT ANALYSIS. IN PART BECAUSE IT MADE SO MUCH PROGRESS ON THAT PRODUCT. COUNCILMEMBER ALVAREZ? THE -- ADOPTING SOME KIND OF NEW INTERIM REGULATIONS MARCH THE 9th. DOES THAT MEAN THAT WE WOULD POST -- FOR -- WITH THE POSSIBILITY OF ESTABLISHING THOSE NEW INTERIM REGULATIONS 10 DAYS BEFORE -- BEFORE MARCH THE 9th IN ORDER TO -- PUT THOSE NEW INTERIM REGULATIONS INTO

PLACE. IS THAT WHAT WAS BEING DISCUSSED? WHAT WAS THE MARCH 9th DATE I GUESS IS WHAT I WAS --

COUNCILMEMBER, THE BACKGROUND ON ALL OF THAT IS THAT EARLIER THIS WEEK THAT -- THAT AS WE DIRECTED LAST WEEK, STAFF POSTED A ZONING CHANGE NOTICE, THE PLANNING COMMISSION WILL HEAR IT I BELIEVE ON FEBRUARY THE 28th.

THAT'S CORRECT.

THE ZONING CHANGE SET TO BE CONSIDERED ON MARCH 2nd. WE CALL THIS A ZONING CHANGE IT'S TECHNICALLY PERMANENT, BUT IN REALITY JUST AS WE DID WITH THE VERTICAL MIXED USE STANDARDS, LAND USE TRANSPORTATION THIS PAST WEEK, THAT WILL COME FORWARD NEXT WEEK TO COUNSEL WHERE WE WILL ADOPT NEW VERTICAL MIXED USE ZONING STANDARDS, THOSE ARE TECHNICALLY PERMANENT, BUT THEY ARE REALLY TEMPORARY WHILE PERMIT CODIFICATION IS HAPPENING. WE WILL DO THE SAME THING WITH THE INFILL HOUSING STANDARDS. THAT WE WILL TAKE THIS UP AS A ZONING MATTER. IT'S SET FOR MARCH 2nd. IN DISCUSSING WITH STAKEHOLDER THIS WEEK, THERE'S BEEN CONSENSUS TO DRIVE STRIVE TO DEVELOP CONSENSUS ON POSSIBLE NEW INTERIM STANDARDS AS PART OF THE ZONING CHANGE. DO THAT ON MARCH 9th. SO IT WOULD BE A ZONING CHANGE, NOT THIS PROCESS UNDER THIS NEW SIX WEEK OLD STATE STATUTE.

Alvarez: THAT'S HELPFUL. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN?

McCracken: I HAVE HEARD SOME REALLY GOOD IDEAS. I KNOW PARTICULARLY THAT COUNCILMEMBER LEFFINGWELL AND COUNCILMEMBER DUNKERLY AND MYSELF HAVE MET WITH A LOT OF STAKEHOLDERS HERE IN THE LAST, YOU KNOW, LAST TWO WEEKS. ON A VERY ACCELERATED SCHEDULE OF MEETINGS HERE IN THE LAST SEVERAL DAYS. BETTY WAS SO TIRED TWO DAYS AGOS SHE WAS RED EYED, I WAS THAT WAY YESTERDAY. THAT'S FINE. THAT'S OUR JOB. AMONG THEM THINGS THAT I BELIEVE ARE THINGS THAT I'M HEARING, A LOT OF DIFFERENT PEOPLE FROM DIFFERENT --

FROM DIFFERENT STAKEHOLDERS GROUPS TALKING ABOUT, ONE IS OCCUPANCY LIMITS, ALSO WHICH ARE APPARENTLY NOW KNOWN AS THE MCCrackEN CURVE. COMPATIBILITY STANDARDS. PERHAPS SOME KIND OF LIMIT ON THE SECOND STORY OR THIRD STORY PERCENTAGE OF -- OF AN IDEA FROM PASTOR PARKER TONIGHT OF NO SECOND HOMES ON SMALL LOTS. THE POSSIBILITY OF GETTING ADDED SQUARE FOOTAGE ON SLOPES. BECAUSE THEY DON'T CONTRIBUTE TO THE BULK, MASS AND SCALE, VIEW FROM THE ROAD, SO SPOKE ABOUT THAT EARLIER. IDEA OF USING THE RAIN WATER COLLECTION SYSTEMS, DRAINAGE ISSUES, JAY BROWN GAVE US THE IDEA OF GRADUATED SETBACKS AND THEN A NUMBER OF GROUPS AND DIFFERENT STAKEHOLDER GROUPS DESIGN STANDARDS AND FORM AND ARCHITECTURAL STANDARDS. FINALLY THE IDEA OF -- AMONG OTHERS, I'M JUST PASSING ON THE IDEAS UP TO YOU, FAR BONUSES, IF YOU PUT THE GARAGE BEHIND THE HOUSE OR POTENTIALLY AN FAR BONUS IF YOU HAVE AN ARCHITECTURAL DESIGN FOR YOUR HOME OR PROTECT THE EXISTING HISTORICAL CHARACTER OF THE NEIGHBORHOOD. SO THESE ARE ALL IDEAS THAT -- THAT ARE VERY ATTEMPT - - THAT OUR VERY TALENTED STAKEHOLDER GROUP WILL TAKE UP STARTING TOMORROW AFTERNOON AND MARK COULD YOU PUT UP -- WE HAVE GOTTEN -- A -- SOME INFORMATION ON WHAT IN PARTICULAR ALAMO HEIGHTS AND TERRELL HILLS HAVE DONE. THIS IS FROM LEE [INDISCERNIBLE], FROM AUSTIN, HE DID THE TERRELL HILLS AND ALAMO HEIGHTS STANDARDS. THIS IS FROM THE ATLANTIC BEACH -- NEW JERSEY OR FLORIDA, I CAN'T -- ATLANTIC BEACH FLORIDA. PARTICULAR PART OF THIS DOCUMENT. ONE THICK THAT IS ADD IS IS -- ONE THING IS ADDRESSES IS UNDER THE CURRENT RULES AS THEY ARE STRUCTURED, IF YOU ARE A PROPERTY OWNER YOU DON'T HAVE ANY PROTECTION FROM BEING THE GUY IN THE MIDDLE, MAN, WOMAN OR FAMILY IN THE MIDDLE UNDER THE CURRENT STANDARDS MUCH ONE OF THE THINGS THAT THEY WRITE IN HERE FOR THE NATIONAL WORK IS THAT THERE ARE FOUR COMPONENTS OF PROPERTY VALUE, IT'S THE CITY ADDRESSING DISTRICT, THE NEIGHBORHOOD, THE LOT ITSELF AND THE HOUSE ITSELF. THEY WRITE HALF OF THE VALUE COMES FROM OUTSIDE OF THE PROPERTY. IN OTHER WORDS WHAT ARE THE NEIGHBORS DOING. HALF OF

THE PROPERTY VALUE AND AS YOU CAN SEE THAT IS A SITUATION WHERE -- WHERE YOUR PROPERTY VALUE, THAT HALF OF YOUR PROPERTY VALUE THAT HAPPENS OUTSIDE OF YOUR FOUR WALLS OF YOUR OWN HOME ARE VERY NEGATIVELY AFFECTED IF WE DO NOT PUT IN PLACE PROTECTIONS FOR NEIGHBORHOODS AND FOR THE -- FOR BULK, MASS AND SCALE FOR DRAINAGE, FOR CHARACTER AND FOR HISTORIC CHARACTER. WHAT THEY WRITE, BALANCE SIMPLICITY VERSUS FLEXIBILITY. THE BALANCE INTEREST OF OWNERS MAKING IMPROVEMENTS VERSUS THE EFFECT OF THE ADJACENT OWNER, INSIDE LOOKING OUT, OUTSIDE LOOKING IN APPROACH. WE ALSO HAVE TO BALANCE PUBLIC GOOD VERSUS INDIVIDUAL RIGHTS. IN OTHER WORDS THE VALUE OF A NEIGHBORHOOD OR THE VALUE OF A PROPERTY. WE HAVE HEARD VERY ELOQUENT STATEMENTS THIS EVENING FROM FOLKS WHO -- WHO HAVE A VERY STRONG BELIEF ON BOTH SIDES OF A LOT OF THESE DIVIDING LINES. BUT -- BUT IF WE COULD, GO TO THE NEXT ONE. TWO DOWN. NEXT ONE AFTER THAT. YOU CAN SEE THESE ARE ACTUALLY FOALT TO -- PHOTOS OF ALAMO HEIGHTS IN SAN ANTONIO. KIND OF GETS TO SOME OF THE THINGS THAT WE ARE REALLY LOOKING TO DO. WHY WE CAN'T WAIT. WE HAVE HEARD TONIGHT IN THE LAST 13 MONTHS, 49 HOMES IN TARRYTOWN HAVE BEEN PERMITTED TO BE DEMOLISHED ALONE. THAT'S A PRETTY DRAMATIC RADICAL CHANGE IN A NEIGHBORHOOD TEXAS SAID ONE OF THE MOST ENDANGERED HISTORIC NEIGHBORHOODS IN THE STATE OF TEXAS. NOT ONLY THAT, WHEN WE HAVE MUCH LARGER HOMES REPLACING THE 49 HOMES THAT ARE BEING DEMOLISHED IN A 13 MONTH PERIOD, YOU DO HAVE UNINTENDED DRAINAGE CONSEQUENCES FROM A SIGNIFICANT EXPANSION OF THE BUILT MASS. BY THE WAY, PROBABLY NOT MUCH DENSITY IN INCREASE OF PEOPLE. WE HAVE HEARD IT RAISES PROPERTY VALUES. FOR THE SECOND TIME IN TWO DAYS, AMAZINGLY I HEARD THIS ARGUMENT, IT WAS WELL THEN THOSE PEOPLE CAN MOVE IF THEY CAN'T AFFORD THE TAXES, IT BECOMES TOO EXPENSIVE. IT OVERLOOKS THE FACT WHAT IF THEY DON'T WANT TO MOVE. KIDS GO TO SCHOOL AROUND THE CORNER, JOB IS CLOSE, IF THEY INVESTED THEIR LIFE SAVINGS, CERTAINLY CHARACTERISTIC, GET A SPECULATIVE INVESTOR COMING IN. WE HAVE HEARD SITUATIONS IN OUR

COMMUNITY OF SOMEONE LOOKING OUT THE DOOR ONE MORNING AND THREE TO FIVE HOMES BEING TORN DOWN IN THEIR BLOCK BEING REPLACED IN SOMETHING RADICALLY DIFFERENT IN SCALE AND CHARACTER FROM WHAT THEY INVESTED THEIR LIFE SAVINGS TO BE PART OF. HALF OF THE PROPERTY VALUES, RADICALLY CHANGED, WE ARE NOT DOING ANYTHING TO LOOK OUT FOR THAT. WE ARE NOT DOING OUR JOBS. WE HAVE ALSO -- MEETING THIS WEEK WITH SOMEONE FROM THE FILM INDUSTRY. HE SAID THAT HE DIDN'T KNOW ANYTHING ABOUT WHAT WE WERE DOING. HE WAS IN MY OFFICE TO TALK ABOUT AUSTIN STUDIOS. HE SAID MAN WE ARE WORKING SO HARD WITH THE HERITAGE SOCIETY TO PROTECT THE HISTORIC NEIGHBORHOODS AND SPOTS ALL AROUND CENTRAL TEXAS AND THE REASON WHY WE ARE DOING THAT IS BECAUSE HOUSTON LOST ITS ENTIRE FILM INDUSTRY BECAUSE THEY DID NOT PROTECT HISTORIC NEIGHBORHOODS AND PLACES. WE DON'T WANT THAT TO HAPPEN WHEN YOU SHOOT PERIOD PIECES AND SPOTS THAT HAVE A PLACE THAT ARE -- THAT CHARACTER, YOU CAN FIND ANY KIND OF McMANSION SUBURB OUT IN PLAIN FOR OR SUGARLAND, BUT THE UNIQUE SPOTS ARE HARD TO FIND. YOU HAVE TO WORK REAL HARD TO KEEP THEM. HE SAID THAT THERE'S A REAL TANKIBLE ECONOMIC BENEFIT ALSO FOR THE FILM INDUSTRY WHICH WE ARE WORKING VERY HARD AS A COUNCIL AND A COMMUNITY TO NURTURE AND MOVE FORWARD. I WILL CONCLUDE AND SAY THAT WE DO HAVE A RESPONSIBILITY IN MANY WAYS, ONE OF OUR RESPONSIBILITIES IS TO LEAVE THIS PLACE BETTER THAN WE FOUND IT. HOPEFULLY WE ARE TAKING A MEASURED APPROACH FROM FOLKS WITH DIFFERENT VIEWPOINTS WHO WILL WORK TOGETHER FROM THE GOOD OF THE COMMUNITY IN GOODWILL UNDER THE FINEST TRADITION OF AUSTIN. DO THAT AND WE WILL LOOK BACK, BE PROUD THAT WE TOOK THESE STEPS TONIGHT IN THE COMING MONTHS. THANK YOU VERY MUCH. [APPLAUSE]

COUNCILMEMBER DUNKERLY.

Dunkerly: I WOULD LIKE TO THANK ALL OF THE VOLUNTEERS WHO HAVE OFFERED THEIR SERVICES TO WORK ON THIS TASK FORCE OF THE -- OF THE NEXT 60 TO 90 DAYS. I REALLY APPRECIATE THAT. I THINK IF I LOOKED AT THE SCOPE OF WORK I WOULD LIKE FOR THEM TO -- TO

ADDRESS, THE FIRST ONE WOULD BE TO TAKE A LOOK AT OUR INTERIM RULES. JUST SEE IF THERE'S -- IF THERE'S ANYTHING THAT WE CAN'T LIVE WITH FOR THE NEXT 60 TO 90 DAYS. IF THERE'S SOMETHING THAT FALLS INTO THAT CATEGORY, TO MAKE A RECOMMENDATION TO US. I THINK MOST OF THESE THINGS THAT WE MENTION WE CAN LIVE WITH THAT LONG. ADDITIONALLY, THE -- THE ISSUE THAT WE HAVE ALL BEEN TALKING ABOUT TONIGHT, THE ISSUE OF THESE LARGE STRUCTURES AS WE ALMOST JOKINGLY CALL McMANSIONS, THE CAPABILITY WITH MANY OF THE INNER CITY NEIGHBORHOODS, HISTORIC NEIGHBORHOODS, JUST THE CENTRAL CITY NEIGHBORHOODS, I THINK IF THERE'S ANYTHING WORSE THAN A BIG McMANSION THAT DESTROYS THE CHARACTER OF THAT NEIGHBORHOOD IS A BIG McMANSION LIKE STRUCTURE FILLED WITH 12 STUDENTS. I WOULD LIKE TO HAVE -- [APPLAUSE] -- I WOULD REALLY LIKE THEM TO TAKE A LOOK AT THE OCCUPANCY RULES MAYBE THAT WE HAVE A DIFFERENT SET FOR DUPLEXES VERSUS A REAL SINGLE FAMILY HOUSE. BUT WHATEVER IT IS, I THINK THAT IS PROBABLY THE MOST DISRUPTIVE THING THAT CAN HAPPEN TO A NEIGHBORHOOD. SO I LOOK FORWARD TO -- TO YOUR HARD WORK AND YOUR RECOMMENDATIONS.

Leffingwell: THANK YOU, ONE OF OUR SPEAKERS EARLIER TONIGHT SAID SOMETHING THAT REALLY RESONATED WITH ME, THAT SAID IF WE DON'T ACT NOW TONIGHT TO PROTECT OUR NEIGHBORHOODS, THERE WON'T BE ANYTHING LEFT TO PROTECT. AND WITH THAT IN MIND, I WANT TO MAKE THE FOLLOWING MOTION. I WILL MOVE TO ADOPT ON SECOND AND THIRD READINGS THE INTERIM ORDINANCE AS IN THE MOST RECENT YELLOW SHEET DRAFT, INCLUDE DUPLEXES, FOR INTERIM DEVELOPMENT REGULATIONS AND TO CREATE A TASK FORCE AS WAS PREVIOUSLY OUTLINED AND READ THROUGH BY COUNCILMEMBER MCCRACKEN TO STUDY AND MAKE RECOMMENDATIONS FROM THE CITY CODE RELATING TO RESIDENTIAL USES AND CONSTRUCTION REMODELING. AND TO DIRECT THE CITY MANAGER TO INITIATE A CODE AMENDMENT ADOPTING THE DEVELOPMENT REGULATIONS SET OUT IN THE ORDINANCE.

COUNCILMEMBER LEFFINGWELL? JUST SO THAT THE RECORD IS VERY CLEAR, IS YOUR MOTION TO PASS THE -- THE ORDINANCE WHICH IS ENTITLED FIRST READING WITH

REVISIONS WITH THE ADDITION TO PART 5.2 WHICH WOULD ADD IN THE WORDS AFTER REMODELED PERMIT FOR A SINGLE FAMILY RESIDENTIAL STRUCTURE?

I APPRECIATE YOU KEEPING ME STRAIGHT ON THAT. THAT'S EXACTLY WHAT I MEANT.

THANK YOU.

THANK YOU.

MOTION BY COUNCILMEMBER LEFFINGWELL. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR, I THINK THAT I'M NOT GOING TO REPEAT ALL OF MY COMMENTS FROM LAST TIME. BUT I JUST WANT TO KIND OF SPEAK TO A COUPLE OF COMMENTS THAT I HEARD EARLIER. ONE IS THAT ONE:EARLIER SPEAKERS WHO COMMENTED THAT THE COUNCIL WASN'T LISTEN. IF YOU WILL RECALL WHERE WE STARTED WITH A 10% INCREASE ON THE SQUARE FOOTAGE OF A -- OF -- YOU KNOW OF A HOME, YOU KNOW, TO BE REMODELED OR REBUILT THEN WE HAVE COME A LONG WAY FROM THOSE INITIAL REGULATIONS TO WHERE WE ARE NOW. TO A CERTAIN EXTENT I KIND OF FEEL THEY MAY BE A LITTLE TOO PERMISSIVE. WE HAVE HEARD, YOU KNOW, PARTICULARLY FROM A COUPLE, DIFFERENT FOLKS IN EAST AUSTIN, SOME WHO THINK THIS IS MAYBE A LITTLE TOO RESTRICTIVE, OTHERS TOO PERMISSIVE. WE PROBABLY STRUCK A PRETTY GOOD BALANCE BASED ON ALL OF THE VARIOUS ISSUES THAT WE HAVE HEARD. I REALLY FEEL THEY HAVE BEEN LISTENING, I WANT TO THANK THE CO-SPONSORS FOR PUTTING IN A LOT OF HOURS WITH VARIOUS INTEREST GROUPS TO MAKE SURE THAT ALL OF THE ISSUES AND CONCERNS ARE HEARD AND INCORPORATED AS BEST AS POSSIBLE AND ALSO -- ALSO WITH THE SPEED IN WHICH WE HAVE MOVED FORWARD HERE WITH THE TASK FORCE AND -- AND THE VERY FACT THAT -- THAT THE INITIAL MEETING IS HAPPENING TOMORROW, I THINK SPEAKS VOLUMES ABOUT -- ABOUT THE -- THE SPONSORS AND THE COUNCIL'S COMMITMENT HERE TO MOVE FORWARD AND GET THIS ISSUE ADDRESSED IN A TIMELY FASHION. SO AGAIN THANKS

TO THE SPONSORS FOR -- FOR THEIR HARD WORK ON THIS
ISSUE. [APPLAUSE]

Mayor Wynn: MOTION AND SECOND ON THE TABLE. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. [
APPLAUSE] THANK YOU ALL VERY MUCH. IS THAT ALL OF
OUR ITEMS? THERE BEING NO MORE ITEMS BEFORE THIS
MEETING OF THE CITY COUNCIL, WE STAND ADJOURNED. IT
IS 10:48. P.M.

End of Council Session Closed Caption Log